

November 15, 2005



TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

Thomas Perez, President
Phil Andrews
Howard Denis
Marilyn J. Praisner
Michael Subin

George Leventhal, Vice President
Michael Knapp
Nancy Floreen
Steven A. Silverman



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1
2 Councilmember Silverman,

3 ...our colleagues, Tom Perez, the President, and George Leventhal, the Vice President,
4 are stuck in the backlog of a traffic accident on the Beltway. We are going to get started
5 anyway and as Past President, the rules say we can -- we can go get started if we have
6 a quorum. So, we will start with an invocation. I see Reverend Robinson here. Are you
7 here -- you're here because Reverend Gatto is not here? Okay, please rise for the
8 invocation. We're pleased to have with us Reverend Rosetta Robinson.

9
10 Reverend Rosetta Robinson,

11 I will begin our prayer this morning with a prayer from an African girl; it's anonymous. I
12 will begin this way. Oh, Great Chief, light a candle within my heart that I may see what is
13 therein and sweep the rubbish from your dwelling place. Let us pray. Oh, God, light a
14 candle in our hearts for the needy who are in our community who come from many
15 nations, Africa and Asia and Latin America and Europe and places that I have not
16 named. Light the candle of concern for them, especially as we approach the
17 Thanksgiving holiday. Many of us will sit down at tables with food and more food where
18 there is more than enough. Oh, Lord, light a candle of concern and sharing within us
19 that we will want to share with those who do not have enough. Light a candle of concern
20 and compassion that will not burn out. This we pray, Amen.

21
22 Councilmember Silverman,

23 Thank you. All right, we will now turn to a presentation, a proclamation to Pyle Middle
24 School in recognition of the Maryland Blue Ribbon School of Excellence Award for
25 2005/2006 by Councilmember Denis.

26
27 Councilmember Denis,

28 Thank you, Mr. Silverman, I'd like to ask our honorees to join us here. We're very proud
29 that Pyle Middle School has received the prestigious Blue Ribbon Award from the state
30 of Maryland and we have with us today: the principal of Pyle, Michael Zarchin; Erika
31 Huck, a guidance counselor; Paula Laboy, Co-President of the PTA; and Jesse Milzman
32 and Nikhil Gupta, who are officers in the school government. Jesse is the secretary and
33 Nikhil is the treasurer of Pyle Middle School. I just want to share with you -- when I was
34 talking about this earlier, when I graduated from BCC, my principal was Mr. Pyle, after
35 whom Pyle Middle School is named and this is actually my diploma with Mr. Pyle's
36 name on it and actually the ticket to my graduation, the proof! And I remember one thing
37 that -- that Mr. Pyle used to say. He said if you're out of line at the prom, you're out of
38 line at graduation. He was a great guy, a wonderful person, and took an interest in us
39 all. I want Jesse and Nikhil to know I got my start in politics in junior high school, it was
40 Joan of Arc Junior High School, and I ran for secretary of the school and was able to get
41 elected. That was actually the beginning of my career. So, I commend you for -- for your
42 interest and I look forward to your continued activity. And I want to read the



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1 proclamation and I also want to thank you for the cup, it's under \$25 so I can use it. The
2 Pyle Panther!, thank you very much for the coffee cup. And let stay and get in the
3 middle here, guys, why don't you flank me a little bit so everyone can be in the center.
4 And when I finish, I'm going to ask you all to say a few words. It's not required, but
5 you're welcome to do so. This is the proclamation: "Whereas the Blue Ribbon School of
6 Excellence Award celebrates the success that occurs when teachers, staff, students,
7 parents, and the community work together to make a firm commitment to education.
8 And whereas Thomas W. Pyle Middle School in Bethesda is one of six schools in the
9 state of Maryland selected by the Maryland State Department of Education to receive
10 the prestigious State Blue Ribbon of School Excellence Award. And whereas Thomas
11 W. Pyle Middle School was selected because it scored within the top 10% of all
12 Maryland middle schools on the Maryland School Assessment in mathematics, reading,
13 or related language arts area for at least three years. And whereas during the
14 2004/2005 school year, 91.1% of students who are proficient on the mathematics
15 section of the MSA and 95.7% were proficient on the reading section, representing an
16 increase from the already-high scores achieved the year before. And whereas teachers,
17 staff, and parents have worked with students to improve achievement by working after
18 school hours to support individuals and small groups of students for success in various
19 classes and on the MSA tests and by offering their time to lead more than 40 different
20 after-school activities in which students can participate. And whereas Michael Zarchin" -
21 - and we hope you stick around for a couple of years, Michael, okay?

22
23 Michael Zarchin,
24 I do too.

25
26 Councilmember Denis,
27 Deal? Okay! I mean Pyle principals have gone on frequently to other endeavors and
28 we're very proud of them, as well. My daughter went to Pyle, as I think I told you before.
29 -- "Michael Zarchin, principal of Thomas W. Pyle Middle School, the staff, students and
30 parents are to be commended for the outstanding achievement. Now therefore be it
31 resolved that the County Council of Montgomery County hereby recognizes and salutes
32 Thomas W. Pyle Middle School, a Maryland Blue Ribbon School of Excellence. And be
33 it further resolved that the County Council joins with the students, teachers, parents,
34 and community of Thomas W. Pyle Middle School in celebrating their tremendous
35 accomplishments that benefit all citizens of Montgomery County as our children truly are
36 our future." Signed this 15th day of November, 2005, by our President, who has arrived.
37 And I knew I would talk long enough for President Perez to arrive. I learned that in the
38 state Senate many years ago! Signed by Thomas E. Perez, Council President, and I
39 also want to thank, from my staff, Jennifer Hughes and Colleen Lauer for helping to
40 bring us all together here. So, let's give it up for the Thomas W. Pyle Middle School.

41
42 [applause]



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Councilmember Denis,

Okay, Mr. Zarchin, would you like to say a few words?

Michael Zarchin,

Certainly. First of all, I'd like to thank you for having us today. This award is -- it really signifies the combination and a partnership between students, parents, and staff members. We're proud of this and we've got two students here today who are a big part of the scores that we are recognized for. So, thank you,

Councilmember Denis,

Thank you. Paula, would you care to say something?

Paula Laboy,

Thank you, I'm glad to be here to represent the parent portion of the school. We're so proud of our amazing students, our wonderful administration and staff, and all of our teachers and our amazing guidance office where I volunteer. I know firsthand how hard they work. We're very proud of the entire school community. Thank you for having us.

Councilmember Denis,

Thank you. Erika, would you like too...

Erika Huck,

Thank you, this is such an honor. We have such a wonderful staff and student and parent population. It's neat to be recognized this way. I think one of the things we're most proud of, in addition to our academic success, is how wonderful our students develop socially and emotionally and help each other and help the community and fund-raise and do all kinds of things for others. So, we're proud of that aspect of our school, as well, thank you.

Councilmember Denis,

Jesse?

Jesse Milzman,

As representing Pyle Middle School I'd like to say that I'm very proud of my school and all the students in it for achieving this honorary award. So... And Nikhil, do you have anything else to add?

Nikhil Gupta,

I think it's really cool to be here and represent our school but... So, everyone worked together and it's really cool that we can achieve this award by -- but it wasn't just one or two people it was the whole school getting involved.



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1 Councilmember Denis,
2 Great. Thank you very much. Thank you very much, guys, wonderful!

3
4 [applause]

5
6 Councilmember Denis,
7 Stick around for the AGP in Shady Grove, if you want!

8
9 [laughter]

10
11 Council President Perez,
12 We were with you, Mr. Denis, until you were there! Okay, I apologize for being late.
13 There was an accident at Connecticut and the Beltway and my colleague, George
14 Leventhal, I think, is still stuck in that traffic. Ms. Lauer, Agenda and Calendar changes?

15
16 Linda Lauer,
17 There is an addition to the Consent Calendar today, it's to introduce a resolution to
18 approve a Memorandum of Agreement regarding the Accelerant Detection Canine
19 Program. That will go to public hearing and action on December 6th. Also, we need to
20 announce that a public hearing is scheduled for December 6th at 1:30 on the Spending
21 Affordability Guidelines for FY'07 Operating Budget. And one other thing to announce is
22 the -- the public hearing scheduled for December 6th in the evening on the planning
23 process, tools, the Zoning Text Amendment, the Subdivision Regulation Amendment
24 and a bill having to do with site plans. That has been continued. We will hold that public
25 hearing instead on January 17th, and not on December 6th. Thank you,

26
27 Council President Perez,
28 And I anticipate there will be other bills that will also be heard that -- that evening. So,
29 we will hear them all at once. And did you say Canine Accelerants?

30
31 Unidentified,
32 Gas Dogs.

33
34 Council President Perez,
35 Wow! I'm not even going to follow up on that one! Okay.

36
37 Unidentified
38 The Jack Russell terriers --

39
40 Council President Perez,
41 Oh, okay, very well. Okay, let's move to the -- we have no minutes for approval. Is that
42 correct? Okay, and no petitions. So, let's move to the Consent Calendar.



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1
2 Unidentified,
3 Move approval
4
5 Council President Perez,
6 Moved and seconded, okay. Any comment? None, all those in favor? Unanimous
7 among those present. Let's turn to our next item, which should take a half an hour, the
8 Shady Grove Sector Plan.
9
10 Unidentified,
11 Is that what we're on?
12
13 Council President Perez,
14 I believe so. Where is the -- oh, okay. The Growth Management Policy we're going to do
15 after -- after lunch. Okay, so, we will take the rest of the morning on the Shady Grove
16 Sector Plan and we will have the action on the Growth Management Policy, which I
17 think will be relatively expeditious. And then we will come back to Shady Grove. So,
18 Chairman Berlage, your timing is perfect, we're just starting the Shady Grove Sector
19 Plan.
20
21 Derick Berlage,
22 Something tells me that some of our staff are stuck in the same traffic jam...
23
24 Council President Perez,
25 I just -- I was able to --
26
27 Derick Berlage,
28 [INAUDIBLE] ...do our best until the rest of the gang gets here.
29
30 Unidentified,
31 Howie can talk some more.
32
33 Council President Perez,
34 It's a bad morning for traffic!
35
36 Councilmember Silverman,
37 Don't go there.
38
39 Council President Perez,
40 Yes! Every morning... I know! I know! I will turn it to the Chair of the PHED Committee.
41
42 Councilmember Silverman,



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1 Thank you, Mr. President. Let's first figure out what paper we're supposed to have.

2
3 Council President Perez,
4 Yeah, that would be helpful.

5
6 Councilmember Silverman,
7 That's always helpful. Marlene?

8
9 Marlene Michaelson,
10 Yes. There is a new staff memo dated November 15th with numerous pages of
11 attachments, which I think may be separate from the cover memo and color maps.
12 Those are the new materials you have. Everything else is just the previous
13 memorandum with all the backup information that the Council went through in
14 September, which was provided in case there's a need to refer back to it, But the new
15 memorandum, before you both summarizes the major recommendations of the
16 Committee, just in case someone's -- has a little bit of memory gap since September.

17
18 Council President Perez,
19 That's very polite.

20
21 Marlene Michaelson,
22 And also lists all of the follow-up issues that the Committee asked for additional
23 information on. There are a few that when you get to them I will need to comment on
24 because some of the attachments were provided to me quite late, but I can get that as
25 we get to the individual items.

26
27 Councilmember Silverman,
28 Okay. I want to just try to understand something first. On this chart on page 2, where it
29 talks about public facilities, it says page in memo 9 through 15 --

30
31 Marlene Michaelson,
32 Right, that's referring to the September 6th memo, unless otherwise noted. So, on the
33 top of the chart, it indicates that all of that was discussed in detail on the September 6th
34 memo.

35
36 Councilmember Silverman,
37 All right.

38
39 Marlene Michaelson,
40 That was the main memo that the Council worked from.

41
42 Councilmember Silverman,



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1 Okay, is there another memo that we're supposed to have from Karen Kumm, Marlene?

2
3 Marlene Michaelson,
4 I do have -- Karen prepared --

5
6 Councilmember Silverman,
7 Distributed --

8
9 Marlene Michaelson,
10 Right, Karen has for us a number of comparison charts.

11
12 Councilmember Silverman,
13 I have two. I have two.

14
15 Marlene Michaelson,
16 I can either distribute them now --

17
18 Councilmember Silverman,
19 Now, now, let's do them now. Do it now. Okay, all right.

20
21 Marlene Michaelson,
22 And what I am distributing is an update on sort of comparison of TDRs under different
23 options and also I did have some questions from Councilmembers as to what the impact
24 might be if there was a decision to go back to the density of the public hearing draft and
25 so there's a chart summarizing what the impact would be.

26
27 Councilmember Silverman,
28 All right.

29
30 Marlene Michaelson,
31 And I just want to note that the one outstanding issue, which the Council does need to
32 address, is where you would like to place TDRs and how that will occur. That is the one
33 issue where the Committee made a recommendation that further work be done. In all
34 other instances, you do have a Committee recommendation on all other elements of the
35 plan.

36
37 Councilmember Silverman,
38 Okay, well, let's -- let me suggest the following because now everyone is getting this
39 paper. This is sort of -- as I understand, this is short versions of -- are there -- there's
40 three. Okay. There's three pieces of paper, one of them which is comparison of Public
41 Hearing Draft and PHED Committee Plan, is the comparison of what the Public Hearing
42 Draft said versus the PHED Committee Plan and some comments. This is prepared by



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1 Karen. Then there is a comparison of MPDUS, Workforce housing, and TDRs,
2 comparison of the two plans, although I would note that the assumption built into the
3 chart on the public hearing draft is that Workforce housing would apply based on those
4 number of -- of units. My recollection is the draft did not have Workforce housing in it at
5 all and that was added by the Committee. And the third thing is the summary of the TDR
6 options. Let's go to what we have to do in terms of new -- of new decisions.

7
8 Marlene Michaelson,
9 I would suggest we start with the TDR issue --

10
11 Councilmember Silverman,
12 Fine. Okay, so, we're going to go to page 7 of the November 15th memo.

13
14 Marlene Michaelson,
15 Correct, and useful to this is the chart that you just received that summarizes the TDR --
16 different TDR options. The first issue the Council needs to deal with is where you would
17 like to place the TDRs. The Committee was concerned that the plan in its draft form did
18 not provide enough TDRs or there were additional opportunities for TDRs that were
19 overlooked, in particular directly around the Metro Station and the Committee was
20 focused on the WMATA property. Planning staff have provided three options for you on
21 the center of page 7. Option 1 is to just provide -- place TDRs on the WMATA property.
22 The concern about this option is that there are similar properties directly adjacent to
23 WMATA that have very similar characteristics and -- and therefore the other options
24 look at how you might identify independent criteria that have nothing to do with the
25 ownership pattern that could be used to determine where TDRs would be placed.
26 Option 2 would include all properties that have a density of -- a floor area ratio of 2 and
27 are also within 300 feet of the Metro Station. This would include WMATA, but it would
28 also include some properties -- other properties other than WMATA -- within Metro
29 West. And then the third option is all properties in the Shady Grove area that have floor
30 area ratio of 2 and that would add additional properties in Metro South. And planning
31 staff is recommending Option 3, that all of those properties with the highest densities be
32 required to purchase TDRs to get to the maximum density. If I can turn your attention,
33 again, to the chart, which summarizes the TDRs, you can see the TDRs under the
34 different options. Option 1 -- and I do need to indicate that Option 1, 2, and 3 included
35 placing TDRs on the County Service Park. However, the PHED Committee
36 recommended unanimously that there not be TDRs on the County Service Park when
37 the Committee did its review. And, therefore, if you look at Option 4, Option 4 is
38 Derwood Bible, the Grove, WMATA, and all 2 FAR property, but not the County Service
39 Park. One more assumption that's important here: When we rezone existing residential
40 land to a higher density TDR, it's fairly easy to calculate how many TDRs you need to
41 purchase. It becomes far more complicated if you're starting with a non-residential zone.
42 Here we are starting basically with I-1 land, so the question becomes how many TDRs



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1 do they need to purchase? It's not simply a difference of two residential densities. What
2 planning staff suggested in this case was the way to calculate it would be to just
3 assume that a certain percentage of all residential development should be TDRs and
4 they recommended 10%, and also provided an option for if the Council wanted a higher
5 percentage, how many TDRs would result if you had 20% TDRs. So, you're seeing two
6 columns here, the multiple options in two columns. One 10% of all residential units are
7 TDRs. The second, 20% are TDRs. Maybe I should stop there, see if there are
8 questions.

9
10 Councilmember Silverman,
11 Okay, the chart might be the easiest thing to look at...

12
13 Marlene Michaelson,
14 Exactly.

15
16 Councilmember Silverman,
17 ...that Karen sent -- that we just had distributed from Karen, which gives us what the
18 options are, but let me ask a question right from the get-go. I want -- and I guess
19 Amanda is here, fresh from passing the bar, so...

20
21 [applause]

22
23 Councilmember Silverman,
24 So, so, of course, we can now feel free to ask you legal questions!

25
26 [laughter]

27
28 Councilmember Silverman,
29 Well, my preference was to restrict the TDRs to the property around the Metro Station
30 and my understanding is, based on what we have here, is there is no legal zoning way
31 to do that? To literally restrict this to, in effect, the WMATA-owned property?

32
33 Marlene Michaelson,
34 I did consult with Council attorneys who were not comfortable with this option. I don't
35 think they were prepared to say "not legal," but I did hear phrases like "doesn't pass the
36 smell test." I guess that's --

37
38 Councilmember Silverman,
39 Well, is -- okay -- would Amanda be one of those, or...

40
41 Marlene Michaelson,
42 No, no, I didn't...



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1
2 Councilmember Silverman,
3 Could we get the lawyers up here because if we're going to make some choices, if we
4 don't have -- if we don't have options legally, that's one thing, and that's what I
5 understood as of yesterday. But I think it would be very important for us to -- to have
6 that discussion so we know whether there are any zoning options that would be
7 available to us. Which is what we're talking about. We can't just single out a property,
8 the question is is there a way that that TDRs apply just to that property based on land
9 use.

10
11 Marlene Michaelson,
12 What we struggled with was to try to determine if there was some objective criteria to
13 describe this property --

14
15 Councilmember Silverman,
16 Right. 308 feet away instead of --

17
18 [laughter]

19
20 Councilmember Silverman,
21 Instead of 300 feet.

22
23 Marlene Michaelson,
24 Right. And if we draw the square footage differently, we'd end up losing some of the
25 WMATA property. So that's the difficulty here.

26
27 Councilmember Silverman,
28 All right.

29
30 Councilmember Floreen,
31 Question?

32
33 Councilmember Silverman,
34 Yes?

35
36 Council President Perez,
37 There are two questions, Ms. Floreen was first, Ms. Praisner was second.

38
39 Councilmember Floreen,
40 Marlene, can you take us through the different percentage options, as well? As I recall,
41 Derwood Bible was going to have to have TDRs -- was going to have TDRs in any
42 event, right?



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1
2 Marlene Michaelson,
3 Based on Committee's recommendation, yes.

4
5 Councilmember Floreen,
6 And the rationale for that was because it really was a PD Zone, as I recall.

7
8 Marlene Michaelson,
9 Exactly.

10
11 Councilmember Floreen,
12 So -- I not sure why we're picking and choosing -- I don't know why, if we're okay with
13 TDRs there, that we can't identify other properties that don't subscribe to a certain
14 radius because we...

15
16 Marlene Michaelson,
17 No, that's certainly true. I mean in this -- in the case of Derwood Bible and the Grove,
18 we were increasing residential densities. It was a very common way --

19
20 Councilmember Floreen,
21 And we've done it in the Grove, as well?

22
23 Marlene Michaelson,
24 Yes.

25
26 Councilmember Floreen,
27 Those are already Committee recommendations?

28
29 Marlene Michaelson,
30 Yes, those are already Committee recommendations and the Councilmembers had
31 neither raised any objections or questions about that. So, I don't know where the
32 Council will stand, but the Committee, you know, those were more typical
33 recommendations as we would normally use TDRs.

34
35 Councilmember Floreen,
36 And then what we said was, "Well, with the County Service Park, we were asking for so
37 much in terms of community amenities and the like that we thought that that was a
38 justified policy trade-off." So, as to not impose this requirement on this County Service
39 Park, but that WMATA, which was not going to provide -- those properties were not
40 expected to make such a significant commitment to the public infrastructure, therefore,
41 would be appropriately situated to support this public service of increasing the demand
42 for TDRs and preserving the Ag Reserve. I mean that was the policy trade-off there.



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1
2 Marlene Michaelson,
3 Right.
4
5 Councilmember Floreen,
6 So, that is Option 1 right this minute, right? Before us -- the Committee
7 recommendation, basically.
8
9 Multiple speakers,
10 Both of them.
11 Yeah, both.
12
13 Marlene Michaelson,
14 Well, Option 1 minus the CSP, because Option 1 is presented by planning staff.
15
16 Councilmember Floreen,
17 So, Option 1 minus -- is that number -- that's not -- is that on the list?
18
19 Karen Kumm Morris,
20 Yes, it's Option 4. At the bottom.
21
22 Councilmember Floreen,
23 No, because that involves 2 FAR properties.
24
25 Karen Kumm Morris,
26 We've created another option.
27
28 Councilmember Floreen,
29 So if you could tell us...
30
31 Marlene Michaelson,
32 Option 1, you'd have to deduct -- there are 70 -- under 10% there are 75 TDRs under
33 the CSP. So, that would mean Option 1, without the CSP, would be 122 TDRs if it's
34 10%. For the -- with 20% -- under 20% CSP is 133 TDRs. So, you'd need to deduct 133
35 from the 282...
36
37 Councilmember Floreen,
38 And that would be what the Committee had recommended --
39
40 Councilmember Praisner,
41 No, we didn't give a recommendation.
42



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1 Marlene Michaelson,
2 Yeah, I don't think the Committee took a position, but that was what you asked for
3 further information on.

4
5 Councilmember Floreen,
6 Okay. Then talk to us about the 10% and 20%, how would that work exactly under these
7 two columns here?

8
9 Marlene Michaelson,
10 Instead of calculating the TDRs based on the difference between the existing residential
11 base zone and the new density with TDRs, which is how we normally calculate TDRs,
12 since we have an I-1 zone here, the way we would calculate it is look at the total
13 number of residential units and assume that either 10% or 20% would have to be TDRs.
14 So, in the case of the properties that are recommended for 2.0 FAR, the
15 recommendation would be to give them 1.8 FAR. And then up to 2.0 if they use TDRs to
16 purchase those remaining -- the units that would be the difference between the 1.8 and
17 the 2.0.

18
19 Councilmember Floreen,
20 Well, do we know how that would work, I mean exactly? If this is combined with-- well,
21 of course, the MPDU requirements plus the as of yet not fully resolved workforce
22 housing objectives. That would be 12.5 at 10% and then...

23
24 Marlene Michaelson,
25 I assume that...

26
27 Councilmember Floreen,
28 ...20%?

29
30 Marlene Michaelson,
31 ...those units that are currently exempt from purchasing TDRs would continue to be. So,
32 for example, MPDU, you do not need to purchase TDRs to build MPDUs, that would be
33 the same here. The Council has not yet discussed that issue with regard to workforce
34 house but I'm assuming that would be one issue that as you work through it, you'd want
35 to consider. which is if you have a zone that has both workforce housing and TDRs,
36 would you exempt the workforce housing units from having to purchasing TDRs.

37
38 Councilmember Floreen,
39 So that would need to be worked out in that portion.

40
41 Marlene Michaelson,
42 Yes, as you go through the workforce housing.



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1
2 Councilmember Floreen,
3 Karen, do you have...

4
5 Karen Kumm Morris,
6 Yes, it's our understanding that the workforce housing is based on the market rate units,
7 and not the MPDUs and the TDRs.

8
9 Councilmember Floreen,
10 Well, let's agree that part isn't sorted out yet.

11
12 Karen Kumm Morris,
13 'Cause that's how our numbers are based, we took to determine workforce housing, we
14 based them on market rate units. So, the way we did our calculations is we had the
15 amount of units that would be occurring in it these zones, times the amount of TDRs
16 density, and then times the MPDU density to get the full bonus density and we
17 subtracted MPDUs and TDRs out of the calculation -- excuse me, MPDUs out of the
18 calculation and then factored -- that would be the market rate units. Then we factored
19 our workforce housing on that.

20
21 Councilmember Floreen,
22 So, you have a mathematical formula for how this would work. Let me ask you also,
23 how this would tie in with some of the TDR thinking that's going on? I thought I saw in
24 your work program or somewhere, attention to the -- to the issue of where the full
25 number of TDRs are not required in projects right now. I think there's a two-thirds
26 requirement, which hasn't necessarily been -- it's been waived on a -- I think,
27 periodically.

28
29 John Carter,
30 It can be waived.

31
32 Councilmember Floreen,
33 What is the thinking about -- what is the current -- what is the reality of actually getting
34 these TDRs used?

35
36 Derick Berlage,
37 Actually, on Thursday the Board will be taking up a staff recommendation that we no
38 longer require the two-thirds of the TDRs be utilized, because of the belief of staff that
39 followed the TDRs program, especially Judy Daniel, is that that actually results in -- in
40 the TDRs being used less than they would be otherwise.

41
42 Councilmember Floreen,

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1 Well, are you saying you require TDRs to be used in total? I mean are you just
2 abandoning the requirement at all?

3
4 Derick Berlage,
5 No.

6
7 Councilmember Floreen,
8 Well...

9
10 Derick Berlage,
11 Well, first of all the Board hasn't -- it's on our agenda for Thursday. So, the Board has
12 not adopted a position.

13
14 John Carter,
15 It's the staff recommendation that you would eliminate the two-thirds...

16
17 Councilmember Floreen,
18 Requirement.

19
20 John Carter,
21 Yeah.

22
23 Councilmember Floreen,
24 So you'd have a zero requirement.

25
26 John Carter,
27 You'd have a zero requirement.

28
29 Councilmember Floreen,
30 Oh, I can't wait for that one.

31
32 John Carter,
33 But TDRs are always, always optional. Maybe...

34
35 Councilmember Floreen,
36 Okay, fine.

37
38 John Carter,
39 ...with some help from Karen --

40
41 Councilmember Floreen,
42 So this is a very academic conversation right now.



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1
2 John Carter,
3 Yes, yes. And if you remember our earlier discussion on TDRs and maybe Marlene
4 could help me if I'm wrong here. About 30 to 40% of the TDRs never reach the ground. I
5 think that's overall countywide where we've been. Could we move backwards a little bit
6 and just describe how this would work?

7
8 Councilmember Floreen,
9 Yes.

10
11 John Carter,
12 I mean without going through the numbers and how you calculate it, just how it would
13 work. The TDRs in the Shady Grove and maybe Karen can help me a little bit.

14
15 Councilmember Floreen,
16 Yes, thank you.

17
18 John Carter,
19 The RMX, the Grove, and the Derwood, those are straightforward so I don't have to go
20 through those.

21
22 Councilmember Floreen,
23 They already have?

24
25 John Carter,
26 Now, in the case of the Grove, it is a TDR zone. It is actually put on the ground. So,
27 that's a real zone. In the case of the Derwood, that's a PD Zone. All PD Zones have a
28 10% option increase for TDRs. So, that's how that works.

29
30 Marlene Michaelson,
31 John...

32
33 Karen Kumm Morris,
34 That's not correct.

35
36 Marlene Michaelson,
37 ...the Committee is recommending that it not be a PD Zone, but changed to a TDR
38 zone.

39
40 Karen Kumm Morris,
41 Yes, TDR 13.

42

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1 John Carter,
2 So then the Derwood and the Grove are the same. Now, when it comes to Metro Station
3 areas, that would be a zone and you've got some legal advice, I don't know if this will
4 help. The WMATA parcel and what's the other one . The Somerville. Those would get a
5 new TDR/TOMX zone, as distinct from the other properties that are around there that
6 would just get the TOMX Zone. Do you see that? And the WMATA property on the north
7 side would get a TOMX/TDR zone as distinct from the rest of the Service Park, which
8 would get just a plain TOMX zone. Can you visualize how that would works and the
9 distinction? Maybe this helps from the legal side, I was hoping that it would. Now, your
10 algorithm of how you calculate it, that's a whole different thing and Karen went through
11 one way of doing that. Does this help?

12
13 Councilmember Floreen,
14 What you're saying is that for whatever option is chosen, you would propose that we
15 actually impose a TOMX/TDR zone that would require --

16
17 John Carter,
18 No, TDRs are always optional now. They always are optional, unless we change our
19 mind, I guess.

20
21 Councilmember Floreen,
22 Well, unless we write the zone differently.

23
24 John Carter,
25 But up until now, TDRs are always optional.

26
27 Councilmember Floreen,
28 Okay, that would be how we achieve these results.

29
30 John Carter,
31 Right.

32
33 Councilmember Floreen,
34 Okay, thank you.

35
36 John Carter,
37 Does that help? I was hoping that would make a distinction between what you're trying
38 to accomplish with the TDRs as opposed to the other properties and maybe get by the
39 legal problem?

40
41 Councilmember Floreen,



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1 Well, the point is that we're really not -- we're not accomplishing anything particularly
2 with TDRs except to, you know, maybe provide a demand for them, but not necessarily.
3 As long as it's optional.

4
5 John Carter,
6 Right. But that's the whole TDR program is built on that system,
7 Councilmember Floreen,
8 But that's the way it is right now.

9
10 Karen Kumm Morris,
11 There is an incentive density built in with the TDRs. So, that -- the difference between
12 the TOMX straight zone would be a 1.8 FAR. And to get your TDRs, you'd have to -- to
13 up to the 2 FAR you'd have to provide TDRs.

14
15 Councilmember Floreen,
16 So, otherwise, we would make it 1.8 in the TOMX/TDR zone and 2 in the others.

17
18 John Carter,
19 Right, Depending on what your TDR bonus is. If it's 10%, it's 1 point. If it's 20%, is it
20 less? Yes, it would be less.

21
22 Councilmember Floreen,
23 Okay, thank you.

24
25 John Carter,
26 So, I was hoping that --

27
28 Councilmember Floreen,
29 All right, that was -- would be how it would be done. Okay, thanks.

30
31 Council President Perez,
32 Ms. Praisner?

33
34 Councilmember Praisner,
35 I put my light on because I wanted to get legal question, and I guess, folks -- I'm -- I
36 guess I'm -- maybe my recollections are incorrect, but when I think of other master
37 plans, where certain parcels have TDRs placed on them, they weren't the only parcels
38 zoned that way, that had TDRs placed on them. They were maybe PD Zones, but I'm
39 not...

40
41 Marlene Michaelson,



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1 Right, I guess the concern I have is I'm unable to think of another example, not that
2 there may not be one, where we have two adjacent properties that start at the exact
3 same base zone and then will end up with the exact same density, where we have
4 placed TDRs on one and not on the other. We have had cases where we've started with
5 a different base zone or we've ended up in a different place but basically the two
6 properties would be adjacent, starting with the exact same zoning capacity, ending with
7 the exact same zoning capacity, and I cannot think of anything to differentiate those
8 properties to provide a justification as to why one would be TDR and one would be
9 another. We sat together as staff trying to say is there any characteristic that
10 distinguishes the properties that could provide that rationale?

11
12 Councilmember Praisner,
13 So, the point is that one has to go through TDR to achieve the capacity. The other does
14 not, to achieve the capacity.

15
16 Marlene Michaelson,
17 Right, if you follow that option...

18
19 Councilmember Praisner,
20 If that's -- that's the issue?

21
22 Marlene Michaelson,
23 Right.

24
25 John Carter,
26 But it's more --

27
28 Councilmember Praisner,
29 But they're individual parcels, not -- not combined parcels where you're splitting it or
30 something?

31
32 John Carter,
33 This -- this is getting complicated and I certainly apologize for making it so complicated.

34
35 Councilmember Praisner,
36 Well, the whole issue is complicated.

37
38 John Carter,
39 But, basically, how it would work, without going through the math here, and let's take the
40 west side of the tracks, the WMATA and the Somerville -- you gave -- the proposal was
41 a 2 FAR, what we're saying now to get to the 2 FAR, you would have to use TDRs.
42 Now, for those parcels beyond that... So, point out the 2 FARs. There's the 2 FAR



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1 parcels. The next parcels over to the left, those are 1.5. So, those would not have
2 TDRs. So, that would be the distinction that you would make in this case. So, they're
3 basically starting out with the same zone, you're giving them a potential option of getting
4 higher, next to the Metro Station because they're the closest to the Metro Station, to get
5 more density through the TDR program. That's the distinction here. There are lots of
6 cases in the County -- particularly in the eastern County, with the same R200, perhaps,
7 and one has a TDR, the other one doesn't. Probably because the existing one was
8 already built -- but this is not that exempt --

9
10 Councilmember Praisner,

11 I wasn't on the Council when they went through the modification to the County master
12 plan, where TDRs were removed because so many had been added in the first place.
13 And I don't remember how they went parcel by parcel, again, because I wasn't on the
14 Council. But I mean zoning was the same on those parcels and some had TDRs
15 removed and others did not. And that's why I'm trying to -- was it that they hadn't been
16 developed yet?

17
18 Marlene Michaelson,

19 Right, exactly. The standard was they hadn't been developed and basically at that time
20 it was, again it was a uniform strategy of removing density from all undeveloped
21 properties. So, the zoning at that time was consistent among all undeveloped
22 properties. We didn't choose to remove TDRs from some and not others. We looked at
23 what point they were at in the development process, and that was the criteria.

24
25 Councilmember Praisner,

26 Was it your recollection that the parcel on the west side of -- during the White Oak
27 Master Plan, the parcel on the west side of 29 and -- parcels -- because they were
28 three, I think, or were divided after that -- had TDRs placed on them but the Wall Street
29 Journal property did not, right across the street?

30
31 Marlene Michaelson,

32 I don't remember the specifics of that, I'd have to look at that.

33
34 Councilmember Praisner,

35 That's where I'm having -- I'm trying to think through -- the most critical experience from
36 my perspective...

37
38 Marlene Michaelson,

39 I cannot think of an example, either, in White Oak or elsewhere, where we increased
40 two properties density in the exact same manner. In other words, gave them the same
41 increase in density. We may have made a decision that one property was more suitable



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1 for density than the other and then when we did that used TDRs, but I can't think of an
2 example in which we said the exact same...

3
4 Councilmember Praisner,
5 Well, before this afternoon, I will race downstairs --

6
7 Marlene Michaelson,
8 I will see if I can find that too.

9
10 John Carter,
11 There may be some in Potomac, I can't think, but there may be some in Potomac. But
12 this is different. This is where you're starting out the same zone, except right next to
13 Metro you're giving them an option to go higher with the TDR program. That's...

14
15 Councilmember Praisner,
16 Well, I'm still having problems with this issue, but...

17
18 Council President Perez,
19 Okay, Mr. Silverman -- Mr. Faden, do you want to -- on the legal issue?

20
21 Mike Faden,
22 I'm not at this point, 100% sure in this context, what the legal issue is.

23
24 Council President Perez,
25 We asked you first!

26
27 Mike Faden,
28 The general rule, of course, is that single parcel zoning is suspect and if you want to
29 distinguish between two parcels, you need to have some rational basis to do so.
30 Distance from the Metro Station could certainly be a rational basis if that's where you're
31 headed. Again, I'm a step behind in the context here, so I'm not sure what the legal
32 question before you is.

33
34 Councilmember Silverman,
35 Well, that, I think -- if I may, I think the question -- and maybe you can point to where
36 this is, is where is the WMATA-owned property?

37
38 Karen Kumm Morris,
39 WMATA's property is, using this map, approximately 15 acres, right in here, on the west
40 side, about 15 acres. And then over on the east side, WMATA Metro North, it's about
41 41.5 acres, which includes the storm water management and these parking garages.
42 So, it's actually right there.



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1
2 Councilmember Silverman,
3 And where is the Somerville property?
4

5 Karen Kumm Morris,
6 Somerville's property is approximately 4 acres here and another 4 1/2, almost 5 acres
7 over here, and then also on the -- this side of...
8

9 Councilmember Silverman,
10 So, based on -- on feet, how close they are to the Metro, the -- using these two
11 properties, the Somerville and the WMATA properties are the same -- forget about the --
12 what we're upzoning them as, but just in terms of distance to the Metro, they are the
13 same distance to the Metro?
14

15 Karen Kumm Morris,
16 Yes, the WMATA property on the east side, Metro North -- this is WMATA property,
17 from this distance to the entrance, this is Somerville's property. Same distance.
18

19 Marlene Michaelson,
20 But I -- I do want to clarify that there are Somerville properties in Metro West and Metro
21 South.
22

23 Councilmember Silverman,
24 We're talking about the stuff that's closest to...
25

26 Marlene Michaelson,
27 Right, exactly. Option 2 would only include the Somerville properties in Metro West.
28 Option 3 would include the Somerville properties in Metro West as well.
29

30 Councilmember Silverman,
31 Right, but there's -- so, in terms of distance to the Metro, there is no difference between
32 WMATA and Somerville?
33

34 Karen Kumm Morris,
35 That's correct.
36

37 Councilmember Silverman,
38 And are you also saying that in terms of the density in the two projects, they are the
39 same?
40

41 Marlene Michaelson,
42 Yes, in Metro West the properties are starting with the same density...



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1
2 Councilmember Silverman,
3 No, are they ending at the same density?

4
5 Marlene Michaelson,
6 Yes, starting and ending.

7
8 Councilmember Silverman,
9 Ending at the same density. Okay. Does that clarify things Mr. Faden.

10
11 Mike Faden,
12 I think so. What I'm hearing is you have essentially indistinguishable properties there. I
13 haven't heard any other basis upon which to distinguish them. If there is one, then I
14 think that would obviously turn the legal question around.

15
16 Councilmember Silverman,
17 Okay.

18
19 Council President Perez,
20 Okay, Mr. Subin?

21
22 Councilmember Subin,
23 Could you clarify what you're expecting in terms of the staff recommendation on TDRs?
24 I will tell you, the why I understood it was that they were going to be taken out as an
25 option?

26
27 Karen Kumm Morris,
28 We had recommended initially in a packet on Circle 14, we had recommended going
29 with 10% TDRs on all public property, Derwood Bible, the Grove, and all higher-zoned
30 properties at the 2 FAR. And then we realized that the PHED Committee hadn't
31 supported that and had taken TDRs out of the County Service Park. So, making that
32 adjustment, we would be recommending no TDRs on the County Service Park with the
33 PHED Committee recommendation and going with what's called Option 4, at the bottom
34 of our memorandum, which shows, again, 10% yield of 137 TDRs and if the Council
35 wishes to go with the 20% to get more yield, it would yield up to 178 of that option. And
36 that's what staff would be recommending if we were consistent with the PHED's
37 recommendation for no TDRs on the County Service Park.

38
39 Councilmember Subin,
40 First of all, I thought I heard John say that Ms. Daniels was recommending dropping the
41 requirement. It sounded as if it was a macro issue, not one tied to this plan.



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1 John Carter,

2 That is a macro issue, it really has not much to do with this plan. The two-thirds, but you
3 asked me, so I told you.

4
5 Councilmember Subin,

6 Well, first of all, it doesn't have "nothing to do with this plan" because...

7
8 Unidentified,

9 [whispering]...I haven't had any communication with anybody about this issue, none
10 whatsoever, so I...

11
12 Councilmember Subin,

13 ...the recommendation is to take it out of the -- that we won't, for the County Service
14 Park, need to be purchasing TDRs. So, there's hit number 1. But hit number 1 sounds
15 like it's only a shot over the bow. But hit number 2 is going right for the propeller. Well,
16 Derick, John just said she's talking about taking it out -- taking the requirement for TDRs
17 out as a macro issue.

18
19 Derick Berlage,

20 Can I respond?

21
22 Councilmember Subin,

23 You're a lawyer, I hope you can.

24
25 Derick Berlage,

26 What we are looking at -- right now, TDR is always optional. If you choose to buy TDRs
27 you get more density. If you choose not to buy TDRs, and you always have the choice
28 to buy no TDRs at all, then you don't get the additional density. The current macro rule
29 is that if you're in a TDR zone and you want to buy some TDRs because you want to get
30 some extra density, you must buy at least two-thirds of the TDRs you're eligible to buy.
31 It's a two-thirds or nothing rule, if you're not willing to buy two-thirds, then you can't buy
32 any. The recommendation from staff, which the Planning Board will take up on
33 Thursday, is to say it's not two-thirds or nothing, you can buy half or you could buy a
34 quarter. The reason staff is recommending that is not because staff wants less TDRs
35 bought, it's because staff wants more TDRs bought, and staff has done an analysis,
36 which to them suggests that the two-thirds requirement is so high that a lot of
37 developers are just saying "I'm not going to bother to buy any TDRs." Staff believes
38 we'll get more TDRs bought from the sending areas without the two-thirds minimum,
39 and the Board will debate that on Thursday. But it's not about -- not designed to use
40 less TDRs, it's designed to use more TDRs. I don't know if that was clearer.

41
42 Councilmember Subin,



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1 That was clear. But what's not clear to me is what the implication is going to be? I mean
2 what -- what evidence do you have that...they'll buy a half or a quarter instead of two-
3 thirds? I mean if they don't want to use them, they don't want to use them, and they're
4 not going to buy any. If they want to use them...they're going to buy them.

5
6 Derick Berlage,
7 Judy Daniel has done an analysis, that we'd be happy to share with you, looking back at
8 prior approvals where TDRs were bought or where they were not bought. Her judgment
9 is there are a number of cases where developers would have bought some TDRs if they
10 didn't have to buy the full two-thirds. One reason they weren't able to go all the way to
11 two-thirds is there are other limitations on the ability to develop; environmental
12 guidelines, for example. It just makes reaching the two-thirds too difficult, but...

13
14 Unidentified,
15 Our goal...

16
17 Councilmember Subin,
18 On large parcels or small parcels?

19
20 Derick Berlage,
21 Excuse me, I didn't...

22
23 Councilmember Subin,
24 We talking about large parcels, the small parcels, or both where they opted out?

25
26 John Carter,
27 It doesn't matter --

28
29 Councilmember Subin,
30 I think it does matter, John, because the smaller the parcel, the greater the impact of
31 whatever constraints are going to be there. I mean, if you have a 500-acre parcel with
32 some environmental -- you're not going to purchase -- I don't believe you would
33 purchase a 500-acre parcel knowing that there were considerable environmental
34 constraints on it.

35
36 John Carter,
37 [INAUDIBLE]

38
39 Councilmember Subin,
40 But you might buy a smaller parcel with some constraints, but you'd want to get higher
41 density on those -- on that smaller plot of land, and so you would buy some. But on a
42 smaller plot of land, the relative cost of the TDRs becomes more, or higher.



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1
2 Unidentified,
3 [whispering] What's your issue on this....
4

5 Councilmember Subin,
6 And so those are decisions that are going to be made and -- and...I think before you
7 move on that, you need to know what -- what drove the decision, not...to buy. Because
8 you could -- you could be completely pulling the rug out of those who currently hold
9 TDRs and haven't sold them yet and just destroy the price. It also seems to me that
10 there was -- nobody -- all of a sudden we're seeing issues where there are attempts to
11 somehow modify the TDR program when TDRs are going for \$35,000 or \$40,000.
12 When they were going for \$2,500 or \$3,000, every -- everybody left it alone. So if we're
13 looking at some evidence or indications that something is going on here, I would say the
14 indication, now that we're expensive, we're going to do what we can to make them
15 cheaper and interfere in the market, whether it's by flooding it with the County-owned
16 TDRs or saying there's going to be a new set of rules on -- on what needs to be bought
17 and when.
18

19 Derick Berlage,
20 I have to disagree. All -- and we may argue about what the best strategy is, but the
21 Planning Board and you share exactly the same objective, which is to have as many
22 TDRs sold as possible. We want the owners of TDRs in the Ag Reserve to be able to
23 sell them. So, everything we're looking at is focused on that. It is not a desire to drive
24 down the price. The Planning Board opposes the notion of the County selling its TDRs.
25 It's a debate on what's the best way to achieve an objective we all share, which is to sell
26 more of them at the price that they're currently -- at the highest price that folks can get.
27

28 Councilmember Subin,
29 Have the holders of the TDRs come in and said you guys need to change the rules
30 because we can't sell them because of this two-thirds rule --
31

32 Derick Berlage,
33 Yes, sir -- a number of them -- in fact, that two-thirds -- that change -- the change in the
34 two-thirds rule is something that was recommended by the large task force put together
35 several years ago, including representatives from the farming community, from property
36 owners, from other parties with an interest in the Ag Reserve. And it was a unanimous
37 recommendation from a diverse group of stakeholders that the two-thirds rule ought to
38 be re-examined. That's why staff is now recommending to the Planning Board that it
39 change the rule.
40

41 Councilmember Knapp,



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1 This came out of the working group. No, this came out of the working group, the
2 recommendations for a couple of years ago, haven't really gone anyplace yet.

3
4 Derick Berlage,
5 Yeah, I mean the farmers didn't agree with everything that came out of that working
6 group, but they agreed with that. They agreed with the two-thirds.

7
8 Councilmember Knapp,
9 No, I understand what you're explaining, you're just saying you're trying to basically
10 allow the ability for more TDRs to be -- to be used.

11
12 Derick Berlage,
13 Yes, sir. That is a very high objective.

14
15 Councilmember Knapp,
16 That's all. You're just trying to increase the -- the buyability. Yeah, that's -- I think -- what
17 he explained makes sense, I mean, how it would go through...

18
19 Councilmember Subin,
20 Well, what -- what he says makes sense on paper. But I'm -- I'm concerned about what -
21 - I understand what he's saying. I think theoretically it -- it makes sense. But I'm
22 concerned about the impact is going to be -- if the pressure -- if the pressure is on to --
23 for demand of less TDRs, then the price goes down. But what -- what they're saying is
24 the reality is going to be counter intuitive, that by reducing the required number, the
25 demand is going to go up.

26
27 Derick Berlage,
28 Yes, sir.

29
30 Councilmember Subin,
31 That's why I went to law school and didn't get a PhD in math. Okay.

32
33 John Carter,
34 But again, this is a macro issue.

35
36 Councilmember Subin,
37 Well, I -- Yeah, it is. I appreciate the explanation because it just -- for me at least,
38 intuitively, didn't -- doesn't hold. Okay.

39
40 John Carter,
41 I was looking at the chart here --
42



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1 Councilmember Silverman,
2 John, no, let's move on. Okay? That's a macro TDR issue. Now we have to decide what
3 we're going to do in terms of TDRs in the Shady Grove Master Plan.

4
5 Unidentified,
6 Option 3.

7
8 Councilmember Silverman,
9 So, I want to ask Marlene because I'd like to make a motion on this. Option 2 is the
10 Derwood Bible and Grove, which the Committee had already agreed on and what we've
11 been told by our legal team is that we have to do WMATA and 2 FAR property within
12 300 feet of the Metro to be consistent if we want to do distance. We don't have to do all
13 2 FAR, but we can do within 300 feet of the Metro. Okay, so, what I'd like to understand
14 is I am -- I'm asking this question and then I will make a motion. What are the
15 calculations for TDRs would -- with going to Option 2, with Derwood Bible, the Grove,
16 WMATA, and all 2 FARs without the CSP.

17
18 Marlene Michaelson,
19 For -- if you did 10% it would be 130 TDRs, if you did 20% it would be 165 TDRs.

20
21 Councilmember Silverman,
22 Oh...

23
24 Unidentified,
25 How's that differ from Option 4?

26
27 Councilmember Silverman,
28 Option 4 has all 2 FAR properties. There's some other 2 FAR Properties that are
29 beyond -- it's the 300 feet restriction. That's right. Well, I -- I'll say the first point and then
30 make a motion. If we were to require TDRs on the County Service Park that is, in my
31 opinion, adverse to the interests of us every moving anything off of the County Service
32 Park because it will cost us money. We own the County Service Park. We are the
33 landowner. So, if there is any kind -- and we will get into the County Service Park next
34 In terms of options for where it might be, which is contained in the memo -- but if
35 developer "A" comes in and says to the landowner, which is us, that I want to do this,
36 then the land value with TDRs on it has just -- has just gone up in price to the
37 developer. That is basically what going to happen. That's basically what the whole TDR
38 program does. It takes -- it increases the cost of land where there's a TDR receiving
39 area and it transfers those monies, in effect, to folks who own TDRs. That's the whole
40 underpinning of the program. So, all we would be doing if we put TDRs on the County
41 Service Park is taking property that is "X" dollars and is now going to be "X" plus
42 whatever the cost of those TDRs. And -- and if we want to do that, that's fine, but we



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1 should understand that we have just basically -- we will create a situation in which we
2 will end up -- now, the County Executive has talked about a revenue neutral scenario,
3 which is the County Executive's position, it is not -- we have no proposal on the table.
4 But we will just -- we will, by putting TDRs on the County Service Park, we will end up,
5 in effect, costing ourselves money, is what will happen. And if we want to do that, we
6 can do that. But we should do it with eyes wide open. Because it will increase the cost
7 of somebody, in effect, buying our land. Which means that that will be offset by an
8 unwilling -- by the -- whatever the same dollars are, for the relocation of those County
9 Service Park properties. The EMOC, the Bus Depot, the Liquor Warehouse, we will end
10 up paying more for them, in effect, we will pay for the TDRs, it will not be a developer, it
11 will be us. So, having said that, I'm, at least to start the ball rolling, I am going to move
12 Option 2 without -- at 10% without the County Service Park. See if there's a second for
13 that. Otherwise we will... That would be 130 TDRs. Okay, I don't see a second, anybody
14 else have some motions so we don't have to talk about this all day?

15
16 Council President Perez,
17 Mr. Knapp.

18
19 Councilmember Knapp,
20 Why wouldn't we not push -- I'd propose Option 3 at 20%.

21
22 Councilmember Silverman,
23 Okay, if I can speak to that. That will -- I'm going to belabor the point I just made. We
24 are basically ensuring, by putting TDRs on the County Service Park that we're going to
25 end up spending money to buy these TDRs that would otherwise be spent in our budget
26 on pickets, schools, road, transit, recreation centers, libraries and the like. We will pay
27 for these.

28
29 Councilmember Knapp,
30 I guess I would respectfully have to disagree. That assumes there's a current price. You
31 assuming that somehow the price is going up, there is no current price for the County
32 Service Park.

33
34 Councilmember Silverman,
35 I'm assuming that -- no, I'm assuming -- no, what I'm saying is that the County Service
36 Park is now worth "X." If we put TDRs on the County Service Park, we have just
37 increased the cost of the County Service Park for somebody who wants to buy it. That is
38 the way TDRs work.

39
40 Councilmember Knapp,
41 Sure.



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1 Councilmember Silverman,
2 So, therefore...

3
4 Councilmember Knapp,
5 But I guess the argument I would make is that the County Service Park isn't worth
6 anything yet because we haven't rezoned it to make it available to purchase at this
7 point. We haven't put the rules out yet to say how we would actually dispose of the
8 County Service Park. Until we do that, there can't be a value associated with that.

9
10 Councilmember Silverman,
11 The Committee recommendation is to -- is to rezone the County Service Park. So it
12 doesn't have a value until the market dictates it, but we're turning the County Service
13 Park into -- into housing.

14
15 Councilmember Knapp,
16 Uh-huh.

17
18 Councilmember Silverman,
19 Is what we're doing. So, it's going to -- assuming that's what the Council does, -- of
20 course, if the Council doesn't do that, this is an academic issue anyway about the
21 Service Park and TDRs because it won't be used for anything. But if the Council moves
22 in the direction of saying we're going to have housing on the County Service Park, then
23 the imposition of TDRs on the County Service Park will absolutely be paid for by us. No
24 matter what the value of the County Service Park is because any land that you add
25 TDRs to increases the cost of somebody who wants to buy that land. Doesn't matter
26 whether it's owned by the county or owned by, you know, Joe Jones.

27
28 Councilmember Knapp,
29 Well, I think we typically put forth -- we have a number of competing policy interests in
30 virtually everything we do and I think this is important for us to be sure that the TDR
31 program remains viable. This is one of the parcels we're going to have in the coming
32 years to be able to put TDRs on. And therefore I would say we can achieve both
33 objectives and put forward Option number 3.

34
35 Councilmember Silverman,
36 If I can, what are the number of TDRs under Mr. Knapp's proposal on the County
37 Service Park?

38
39 Marlene Michaelson,
40 I believe it's 133.

41
42 Councilmember Silverman,



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1 Times -- what's the math, Mr. Subin?

2
3 Council President Perez,
4 \$20? \$35,000?

5
6 Unidentified,
7 What's the number again --

8
9 Councilmember Silverman,
10 \$40,000 times 133.

11
12 Derick Berlage,
13 \$5.4 million.

14
15 Councilmember Silverman,
16 All right, well, the proposal will just -- will increase the cost by \$5 million. That's -- that's
17 a picket, that's a third of an elementary school, it's five gyms, whatever it is. I would also
18 -- and I will cede -- because everybody else is on there. I reject the concept that we
19 have to do all of this here. We have a Planning Board that is going to be sending over to
20 us -- at least as I understand at some point, proposals for retail centers. The Planning
21 Board is, in fact, looking at the TDR issue in connection with commercial areas. This is
22 not the last chance for us to put TDRs and why we would want to saddle ourselves with
23 this to the tune of \$5 million when there are going to be other opportunities in other
24 parts of the county to do this is beyond me.

25
26 Council President Perez,
27 Mr. Andrews?

28
29 Councilmember Andrews,
30 Thank you. I think the Council stumbled sideways into a discussion about what's been
31 driving the plan from the beginning, which is the presumption that if be revenue neutral.
32 That's not the presumption we had for Silver Spring or any other part of the County, but
33 that's what's driving the argument. You know, we cannot spend any money on the plan
34 and have to drive the densities up so it's paid for that way. I submit that that is a faulty,
35 unjustified, wrong presumption and what I think we should do is develop a plan that we
36 think is the right plan for this community with the right amenities for the community,
37 price it out and that's what it will cost. Let's not let it be driven by an artificial revenue-
38 neutral litmus straitjacket that we haven't applied anywhere else in the County. That's
39 what's driving is argument on this issue and I don't think it should, so, I'm going to
40 support the motion.

41
42 Council President Perez,



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1 Mr. Subin?

2
3 Councilmember Subin,

4 Well, it's always nice to introduce extraneous arguments in a motion that's been put on
5 the table. My objection and I suspect Mr. Knapp's and I think Mr. Leventhal seconded
6 the motion... It's not an issue of density and it's not an issue of revenue or not revenue.
7 So, introducing those concepts into the argument and the issues that are being looked
8 at is disingenuous. And to take every target of opportunity to introduce those is
9 disingenuous. This is simply an issue of are we principled or are we not? We have a
10 program that is nationally known, it's been in effect for 25 years. And to sit here and say
11 because it's going to cost us money, that we're not going to follow it, but we're going to
12 let it cost everybody else money when we impose it... is just intellectually dishonest. It's
13 going to cost us money. That's right. This is our program and we either follow it or we
14 don't. And if we have to buy them and put them on the land, then guess what? I hope
15 we're going to use normal market theories and add that to the price, so, for us, it's
16 revenue neutral. We buy it and we sell it. Whether it's my inability to read my own
17 handwriting, \$3.2 million or the actual \$5.2 million. Whatever the number is, let's follow
18 our own principles because to be able to sit here and dictate to others, you will buy it,
19 you will buy them, after we have taken the value of the farmer's land from them and
20 then say we're not going to pay for it, we will let others pay for it. That's what behind, I
21 think, the -- Mr. Knapp's motion for Option 3. Nothing untoward -- no cabals here to give
22 somebody else more money. Nothing to do with donations for more density because,
23 let's admit it, that's one of the undercuttings of the objections here. It is to compensate
24 people for the value of the land that, guess what, we -- we -- we took away!

25
26 Council President Perez,
27 Mr. Leventhal.

28
29 Councilmember Leventhal,

30 Well, I find myself in agreement with all of the things my colleagues just said. I do think
31 it is important to maintain the strength of the TDR program and I am concerned and I
32 agree with Mr. Subin that when we begin making carve outs, that's a very tricky road to
33 go down. We've adopted certain mandates and certain set-asides that we believe
34 should be consistent throughout, and that is true for TDRs and that is true for MPDUs.
35 But I also agree with Mr. Andrews that there is an elephant in the living room. And that
36 the elephant in the living room is that we are trying to calculate whether a major County
37 asset in a very visible place can be traded off and whether that tradeoff will be --
38 whether it's revenue neutral or a gain or a loss, and as I sit and listen to just about every
39 aspect of the dialogue on the Shady Grove Sector Plan, I'm as troubled as I was when
40 we began, that a deal was cut long ago and that all of this discussion about process and
41 how different parcels may or may not shake out in this, are a function of a decision that
42 was already made, although Councilmembers never had the chance to participate in



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1 that decision. We are told that the issue of the trade of the County Service Park for the
2 Webb Tract is not before us today and yet every single issue, every single page of
3 these packets hinges on that trade that we are going to maintain this -- this facade of
4 not having decided on already. We know that the owner of that property is contacting us
5 daily. We know that the owner of that property has spent a great deal of money trying to
6 persuade the residents that it won't -- near the Webb Tract that trade won't be as bad as
7 they think it's going to be. We know that the Planning Board is fully aware that that's the
8 trade we're talking about and basically recommends it. We know the Committee is fully
9 aware of that and yet we're going to be continually told that's not what's before us when
10 we talk about the County Service Park, we know who the buyer is. Yet, we're acting like
11 -- yep, that's for later. That's a decision that's not before us now. When we talk about
12 burdens on the buyer, we know who that buyer is. So, I'm not only concerned -- so, I
13 agree with Mr. Subin about the importance of the TDR program, but I also agree with
14 Mr. Andrews that this concept of revenue neutrality long ago drove a decision that we
15 are latecomers to either endorsing or opposing. In fact I think that -- and I've come to
16 the conclusion, after much thought and discussion, that the specific trade of this specific
17 County asset for the specific parcel that we know precisely where it is and we know
18 exactly who wants us to make the trade, not only is not revenue neutral, I think it's a
19 loser. I don't believe we are trading assets of equal value. That will govern every vote I
20 cast on this Sector Plan.

21
22 Council President Perez,
23 Ms. Floreen?

24
25 Councilmember Floreen,
26 Thank you. I am so glad that my colleague, Mr. Subin, is such a dreamer that he would
27 introduce the concept of intellectual consistency to this debate. Thank you, Mr. Subin.
28 Just for a second there is some hope. Let's just face the reality here. Whatever we do
29 with the TDRs, if we continue with the approach where they can be waived or they're
30 not required, they want land here, so, let's agree this is sort of an academic exercise.
31 The density may be less. We will just say we're going to leave it to the marketplace. I
32 wish things were as set in stone as Mr. Leventhal suggests. I introduced the question of
33 where are the TDRs in the master plan a year ago. We got the numbers last week.
34 Really, this is no big -- I wish the cabal were more organized than it appears to be. I
35 support the motion, I think we need to stick to our guns about requiring TDRs. I think we
36 need to commit generally that this is the confluence of a variety of policy issues, as we
37 started out -- I guess it was the last time we took this up. We're creating some of the
38 most valuable land in the County. If this plan goes forward, we're creating tremendous
39 opportunity and density here. If we're going to do that, and I was out with the Shady
40 Grove Alliance as was Mr. Leventhal and Mr. Andrews the other day, if we're going to
41 create density, we're going to get something for it is my view. And the math will work or
42 it will not. I don't think the options are set in stone and we won't know until the RFPs



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1 come back and decisions are made as to how things are going to proceed. We will just
2 wait and see. Nothing about this is revenue neutral except perhaps the land. The
3 facilities that need to be relocated, everyone's got bigger ideas. We will just see what
4 we finance, what we support. But the real issue is what's the policy goal here? This is the
5 end of the Metro line in Montgomery County. Do we mean what we say when we say
6 we're going to focus growth where infrastructure exists and where it's planned? This is a
7 connection of the ICC, 270, and the Corridor Cities Transitway, there is going to be a
8 Marc station here. This is going to be a real transportation hub. This is where you put
9 your density, if you're going to actually admit it. Or else you're going to put it in the
10 middle of Kensington and all the strip shopping centers in the County. Interesting idea,
11 I'd be real surprised how much we ultimately locate in existing communities that have a
12 suburban character. I don't know about that, but one thing I'm sure about here is that if
13 we're going to do it, if we're going to say that we're committed to rational growth that
14 makes sense, and if there were -- in a real world where there was intellectual
15 consistency, which I remain to be convinced of here, this is what we should do. We
16 should achieve public policy of workforce housing, moderately-priced housing and
17 protection of the Ag Reserve, which is an insistence on the commitment to the TDR
18 program and we're going to increase density because this is where it should be. There
19 is a plan here -- I will just note at some point in our conversation -- this has the most
20 demanding staging plan of any plan that the Council has ever enacted. I know Karen
21 has additional proposals for how the implementation would be overseen. That's what we
22 learned from Clarksburg and that's what we're going to commit to here. Let's see if we
23 mean what we say. I support -- I guess it's Option 3. I call the question.

24
25 [laughter]

26
27 Councilmember Knapp,
28 I don't think we operate that way!

29
30 Council President Perez,
31 Mr. Silverman?

32
33 Councilmember Silverman,
34 All right, just very briefly. I don't have a problem with the occasional consistency that
35 pops up but I don't recall us having the same discussion about putting TDRs on the
36 Bowie Mill site when we took up the Olney Master Plan. We own that. I'm sure we can
37 go back into a variety of master plans where we own land. If that's the disposition of the
38 Council, that's fine. But we'll get into the relocation of the County Service Park, but I
39 would assume that my colleagues, including Mr. Leventhal, have taken the time to read
40 the memo that was provided to us that starts on Circle 6 about other options besides the
41 Webb Tract. We will continue this discussion but I categorically reject the idea that any
42 deal has been cut. It impugns the integrity of an RFP process that hasn't even started.



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1 We are doing land use decisions here. And if that's going to be the tenor of the debate
2 that we're going have for the next three hours, I'm happy to have that discussion,
3 because there are going to an lot of other factors besides the Webb Tract here, as we
4 take up, you know, this particular area. For those of us who want to pound the table
5 about TDRs and being consistent, I hope we have the same vigor when it comes about
6 affordable, workforce and smart growth housing.

7
8 Council President Perez,
9 Ms. Praisner?

10
11 Councilmember Praisner,
12 I hope we can take the tone down for everybody because this is a very complicated and
13 very long conversation that we've had already about Shady Grove and that we're going
14 to have. I think the -- it is a complicated issue when we're talking about County land and
15 we're talking about multiple policies. But if we really want smart growth to occur in this
16 area, then we've got to look at what are the complexities to achieving that goal? The
17 biggest complexity to achieving that goal is getting the County Service areas, the
18 County facilities, away from the Metro areas that are close. And what do we have to do
19 to move that? I have not subscribed to, nor has the Committee, I believe, subscribed to
20 the revenue neutral issue, and I must say, yeah, we haven't rezoned it, but if we're
21 talking about the Executive's process to date, it has been as inadequate, in my view, as
22 has been the disposition of government-owned land elsewhere in the County and the
23 way in which it was advertised so dramatically and yet has not had much action and
24 confusion to the community. I believe we should put some TDRs in this area. And I
25 agree with Ms. Floreen that it wasn't until the Committee started asking about that issue
26 that we haven't -- that we've introduced the TDR issue to this. And the Planning Board,
27 when they came to us, talked about the whole issue of TDRs raised some concerns, as
28 I recall, about using TDRs in an area where the property and the development is such
29 that if you really want to achieve the goal of the plan, TDRs may interfere with the
30 process, is what they said to us. So, my concern is that piling on a significant number of
31 TDRs so close to Metro may be inconsistent with the goal of encouraging the
32 development so close to Metro. And that saying the highest number, in order to
33 demonstrate commitments to TDR may actually undermine the capacity to make the
34 changes. And that was the struggle and the issue as we worked through it. And since
35 the Committee did not have a chance to look through those issues, I guess where I wind
36 up is I'm not opposed to adding TDRs to the County Service Park and I am certainly not
37 opposed to adding TDRs more within the -- the area. But I think that the motion before
38 us is too high and too extreme from a standpoint of overall policies that are also there to
39 try to make the change at the Metro Station Policy Area. So, I'm not going to support the
40 motion.

41
42 Council President Perez,



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1 Mr. Leventhal?

2
3 Councilmember Leventhal,

4 I regret that my comments are not directly to the point before us, but a question was
5 raised so I will respond. I have read the memo on Circles 6 through 9 and I note at the
6 middle of page 8, that it says, "The Executive's proposed bidding process will give all
7 property owners and developers a fair opportunity to bid on the relocation of facilities."
8 I've read the rest of the memo, as well. It is certainly possible that there would be a fair
9 opportunity for anyone with an interest to bid. There is one property owner with an
10 intense interest. We're well aware of whom that property owner is. It's been addressed
11 in this memo in detail. It's very clear that a great deal of work and thought and planning
12 has gone into precisely where the facilities would go, precisely how many acres they
13 would take up. I find that -- I want to choose my words carefully -- I don't want to impugn
14 the motives of any of my colleagues, elected officials, or staff. I know that elected
15 officials and staff are driven, as Mike Knapp said, by competing priorities and I
16 understand the desirability of locating density at Metro. I'm very clear on that. But this
17 whole plan hinges on the relocation of services and we know what is the most likely
18 spot where those services are going to go. There is no purpose in denying it. After much
19 thought, I've come to the conclusion that we're not trading assets of equal value. And at
20 some point we're will have to have a discussion of the pros and cons of a very specific
21 trade and we all know what that is. We can maintain a fiction of saying that by voting for
22 this plan, we are putting off until later the decision about where the services will go. I
23 don't mean to impugn anyone's motive by calling that a fiction. This memo makes it
24 clear where the majority of services are likely to go. I have read the memo. I think it's
25 well-written. It's abundantly clear to me that we know where the services are going to go
26 and I'm frustrated and will continue to be frustrated if we're going to vote for a major
27 plan that hinges on a specific decision and we know what the specific decision is and at
28 the staff level, okay, I'm obviously very clear on who I am and what my role is in the
29 process, but that decision was made long ago at the staff level. And so we, here, are
30 elected officials, we're either ratify the decision or we're not. I have real concerns about
31 it. I've had real concerns since we first took up the plan, my concerns have not been
32 allayed. It's not that things haven't been explained to me. I appreciate the Planning
33 Board and the landowner who have taken -- and the community, we -- all of whom have
34 taken a great deal of time to educate me about the implications of this swap. But I'm not
35 persuaded that the swap is in the public interest, that's the conclusion that I've come to,
36 I don't think we're trading assets of equal value.

37
38 Council President Perez,
39 Mr. Subin?

40
41 Councilmember Subin,



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1 I don't know if -- if the lands are of equal value or not. If it's not a good deal, you just
2 don't make it, TDRs or not. All the motion, I believe, says here, is that if the -- if the CSP
3 is sold, it will be sold with TDRs, whether it's the number that is there or a lower number.
4 I don't know about the Bowie Mills site, either. Those issues are taken care of in
5 Committee if it was an issue there it should have come out. If it didn't come up, it didn't
6 come up. We don't -- nobody always catches all of whatever issues may or may not be.
7 But some of us did, about a year ago, debate the issue of whether the County should
8 sell TDRs that it holds. And the conclusion of -- of most of us was no. That -- that was
9 not the right thing to do. That we should be subject to the market as much as anybody
10 else and that also, in this case, where we had to buy them, that we would not be
11 extinguishing them by selling them because we didn't pick them up for that reason. And
12 on the issue of affordable housing, Mr. Silverman, I'm with you. So I'm there for the
13 TDRs and I'm there for the affordable housing. So, there's no inconsistency there.
14 Where I do rejoin you is on the issue of the deal. I think Mr. Silverman has taken proper
15 umbrage of that issue coming out here. If anybody has any evidence of the deal, let's
16 see it. There's been enough talk, there's been enough innuendo. The papers love to
17 deal with that. Let's see it. If there was a deal that was made in Park and Planning, or
18 you think there was, put up or shut up. If you think that anybody up here has done that,
19 put up or shut up. There is not that much land available out there, folks. And if this one
20 piece happened to come up, it happened to come up. And as Mr. Silverman said, there
21 is no doubt in my mind that once that RFP goes out, there's going to be more than one
22 site.

23
24 Councilmember Leventhal,
25 Do you want to bet?

26
27 Councilmember Subin,
28 Yeah, I -- how much?

29
30 Councilmember Leventhal,
31 I'll bet you dinner.

32
33 Councilmember Silverman,
34 I'll join you on that one, too.

35
36 Councilmember Subin,
37 Where is the dinner?

38
39 Councilmember Leventhal,
40 Anywhere you want. [INAUDIBLE]

41
42 Councilmember Subin,



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1 All right, I'll take you to [Bucca], you take me to the Last Mango.

2
3 Councilmember Leventhal,
4 You got it.

5
6 Councilmember Floreen,
7 Can we all go and have fun?

8
9 Councilmember Subin,
10 No, you can go and watch! Buy your own dinner! This is between George and me!

11
12 Councilmember Floreen,
13 Watch you eat? No thank you!

14
15 [laughter]

16
17 Council President Perez,
18 I think we've -- there's a horse in the corner is feeling very maligned. Okay. Motion's
19 been made and seconded. All of those in favor? Mr. Denis, Mr. Subin, Ms. Floreen, Mr.
20 Knapp, Mr. Andrews, Mr. Leventhal, and myself. Opposed? Mr. Silverman, Ms.
21 Praisner. It passes 7-2. Next issue --

22
23 Marlene Michaelson,
24 There is one other issue associated with the TDR, which is how this would be
25 implemented. The Council has just voted to require that 20% of the units on the
26 properties under Option 3 have TDRs, but the way that this is handled in the zone is to
27 assume that this is the same way you could calculate the TDRs on any property zoned
28 TOMX/TDR. I would recommend that the particular issue be something that the staff
29 does further work on and come back to you before you have to adopt the Zoning Text
30 Amendment. My concern is although this is an appropriate approach for Shady Grove,
31 we may put the TOMX zone somewhere else with a low density residential base and
32 20% would not be a right number. So, we need to work on that more and come back to
33 you on that particular issue.

34
35 Karen Kumm Morris,
36 Also, staff would like to point out that, again, in the plan, we will be taking down the
37 density on the properties that will be receiving TDRs. So, if we stay within the school
38 capacity, that's the critical thing to remain within the school of capacity.

39
40 Councilmember Silverman,
41 Okay, my suggestion in terms of how we handle the rest of this, since we have until
42 12:15 before we go to state legislation, is that we discuss the County Service Park.



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1 Because there's information here, there are questions that Councilmembers may have.
2 We do have Committee recommendations on the table. The only piece that was missing
3 was this TDR issue. So, we now move to a place where if Councilmembers have
4 amendments to the Committee recommendations, they would be in order. But I think the
5 most appropriate place to start this discussion is about the County Service Park
6 relocation. I would -- Mr. Reilly is here and he can talk about that. And we have a memo
7 that's in here and we have a side bet that's already been made. I will just make the
8 following comment and I'm sure that my colleagues who have been here longer than me
9 would say the same thing. Every master plan that we deal with has a series of property
10 owners or would-be property owners engaged. They're always at the table because
11 that's been the approach that the Council has generally taken and certainly the PHED
12 Committee to allow folks who have an interest, either because they own the property or
13 would like to own property, to be able to get their two-cents worth in and in the -- I've
14 lost track, 18, 19, however many meetings we've had, we've provided opportunities for
15 property owners, would-be property owners, and community members to have a seat at
16 the table and chime in, express their views. I don't think anybody can say, you know,
17 there wasn't an opportunity for folks to articulate their views. The PHED Committee
18 made its recommendations and we're here to make decisions as a full Council. Having
19 said that, any or all of my colleagues can talk until they're blue in the face about the
20 Webb Tract. But the fact of the matter is that we're about to go through an RFP process,
21 assuming the Council decides that it wants to approve a plan that's somewhat in sync
22 with where the PHED Committee is. But I will continue to say today, I will continue to
23 say later this week when I go visit the wonderful people of the East Village, who I
24 represent as well, that that is the purpose of an RFP process, number 1. Number 2,
25 there are other lands in the County that might be available and suitable; and third, most
26 importantly, we are talking about the zoning here, which makes potentially available this
27 tract of land, the County Service Park, for use for housing. It does not guarantee that
28 that's what's going to happen. And at the end of the day, whatever recommendations
29 the County Executive makes will be put on the table for the Council, both in terms of
30 whether it makes any sense economically, whether it makes any sense in terms of
31 community impact, I'm just as concerned as anybody else is about where the County
32 Service Park uses would go and what potential impact there would be. But I will say it
33 now since it's already been alluded to, a vote for the Shady Grove plan is not a vote to
34 put the County Service Park on the Webb Tract and I'm sure some of my colleagues will
35 have different views on that. But we are here to deal with land use issues. You might as
36 well say that it's a vote to put it on any number of other sites that are referenced in the
37 memo we got from Marlene -- from Karen to Marlene that talks about Casey 6 and 7,
38 talks about other publicly-owned land like landfills, talk about the McGowan property.
39 There is no question about the fact that the owners of the Webb Tract will be
40 presumably the first to reply, but I would -- I would share Mr. Subin's view, they aren't
41 going to be the last to reply. So, I would like to ask Mr. Reilly to explain process and
42 then ask Karen and Marlene to highlight their memo which starts on Circle 6.



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1
2 Scott Reilly,

3 Thank you, Mr. Chairman. For the record, I'm Scott Reilly, Assistant Chief
4 Administrative Officer in the offices of the County Executive. In a response of November
5 7th to the Council staff, Lisa Rother, Planning Manager of the Planning Implementation
6 section of our office, responded to several questions that the -- and requests for
7 information that the Council and Committee had -- had placed before us. To go back,
8 we're very supportive of the goal of the relocation of the County Service Park. We
9 believe in the provision of a higher density housing in proximity to a Metro Station. We
10 believe that's good and proper planning. On the other hand, we have a County Service
11 Park that's located there now. It works very well. It serves the needs of four different
12 operations: The County Liquor Control, County Department of Public Works and
13 Transportation, Park and Planning Commission and the School Board. We have several
14 different uses there and it's well-located to the uses that are required for maintaining
15 County services in this portion of the County. We also do have a goal, though, that if we
16 can relocate a Service Park to promote the land use around the -- promote a better land
17 use around the Metro Station, not diminish the quality of services that are being
18 provided at the existing County Service Park, and do that to the extent possible and in a
19 fiscally neutral manner, that we're certainly willing to -- to facilitate the removal -- the
20 relocation of the Service Park. In order to do that, we are going to be issuing a request
21 for proposals of people who have suitably-zoned land, suitably-located land that could
22 relocate some or all of the County Service Park facilities as we speak. As you recall
23 about, a year and a half ago, we put out an initial request for expressions of interest,
24 had five responders, two of whom had land. We didn't find at that time it was worth
25 pursuing because we did not have -- any knowledge of what the eventual densities
26 might be. We did keep a list of the folks who had responded to us and will be contacting
27 them as well as placing the RFP in a prominent location for anybody who holds land in
28 the County. At this time, though, we will be breaking it into pieces. We are going to ask
29 that people be able to respond to relocate, not the entire 91-acre site, but any portion
30 thereof. Obviously different parts of the 91-acre site have different operational needs,
31 our Equipment Maintenance Operations Center, our Ride On depot, needs to be located
32 close to the Metro Station. That's where many of our routes -- our bus routes start.
33 Others, like the liquor warehouse, may not need to be proximate to the Metro Station,
34 but in just more generally appropriate land. We don't even need the rail connection that
35 we currently have at the current warehouses any longer because we're not receiving rail
36 shipments there. The School Board and Park and Planning have both conducted
37 analysis of their current operations and future needs, as has Department of Public
38 Works and Transportation and the Liquor Control Department. We are assembling that
39 into an RFP that will allow people to respond not, again -- again, not to relocate the
40 entire 91 acres on one or two pieces of property, but to respond with available land that
41 could relocate some subset of the -- of the properties. You received a table from Ms.
42 Rother talking about the relocation process. It outlines, by time, the roles of the public



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1 sector, including the Council, the Executive, Park and Planning, and the private sector.
2 It talks about what will be happening in the next six months, the following 18 months,
3 the 18 months following that, until we have the decisions made and facilities relocated.

4
5 Councilmember Knapp,
6 Where is that document you just referred to, Scott?

7
8 Marlene Michaelson,
9 Circle 4.

10
11 Councilmember Knapp,
12 Thank you.

13
14 Scott Reilly,
15 The existing facilities -- I think we have a pretty good handle on exactly what's there. We
16 are currently aggregating from the four agencies that operate in the Service Park the
17 future requirements and will be publishing that matrix as part of our request for
18 proposals when we issue that. The timing on the request for proposals was originally
19 scheduled for September. We did not meet that. We're, again, dealing with four complex
20 agencies with complex processes going on there and we're going to be aggregating
21 that. Our goal now is to have by the end of this calendar year the RFP on the street,
22 receiving replies then for early 2006 for any interested owners of land or people who
23 could assemble land to meet the requirements of the request of proposals to relocate
24 some or all of the facilities that are located at the Service Park. And finally, we are
25 adopting -- we are preparing an agreement between the agencies, although we've had
26 tremendous cooperation and good discussions among the four agencies already, but
27 we are preparing an agreement that will outline the elements of cooperation in the
28 relocation plan, a memorandum of understanding between the agencies. As soon as we
29 do have that enacted and signed, we will be forwarding a copy to the County Council.
30 That's where we are right now, Mr. Chairman. And I will be happy to respond to any
31 questions that members may have.

32
33 Councilmember Silverman,
34 I'm just going suggest that Karen go through her memo and then everything's out there.

35
36 Council President Perez,
37 Okay.

38
39 Karen Kumm Morris,
40 The staff supports the process that the Executive has outlined in terms of having an
41 open and fair bidding process and most specifically giving the community opportunity for
42 two public hearings in the mandatory referral processes for site selection as well as

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1 project development and -- and these are key in terms of being able to mitigate and
2 address community concerns and issues. Also, we support their approach of having
3 quarterly briefings to the Council because we feel that we all have to guide this
4 relocation of the County Service Park and be participants in that. And do so in a way
5 that again mitigates impacts because these are industrial facilities and wherever they
6 end up going, we will have impacts and issues to work through. And then finally, County
7 Council, because you will have some expansion of facilities here, you will be looking at
8 a facility plan, you will have a -- some costs, County improvement -- we've been saying
9 revenue neutral, but in reality, there will be some capital improvement costs involved.
10 So, you will be looking at the facility plans and have an opportunity to shape the
11 direction of the relocation of the facilities. So, that's the process side which I think the
12 Executive has done a very good job of working through. There are four different facilities
13 -- agencies and multiple facilities we have to get relocated. Scott Reilly has mentioned
14 that there will be multiple sites likely to have these relocated. That's our assessment, as
15 well. Cannot locate the entire Service Park on one parcel. It doesn't meet the functional
16 needs and in terms of serving the mid-county area and also it would be another major
17 impact to whatever -- And also, there's not land, I think, to provide this -- that's the
18 primary goal. Having said that, we also feel that the School Bus Depot and the school
19 bus needs in serving the mid-county area, really, they need two sites. I know the school
20 staff feels that one site is sufficient. But when we look at the distribution of school buses
21 and where they are going in the mid-county area, it suggests to us that two school sites
22 -- two school bus facilities are needed to serve the lower end of the mid-county area
23 and one to serve the upper end, in the Gaithersburg cluster, the Magruder cluster, and
24 the Richard Montgomery clusters. That's our opinion. Of course, Montgomery County
25 Public Schools feels that they would accept one facility, if that's all they can find. I just
26 wanted to point that out because we think multiple sites are really going to be needed
27 and through, again, the bidding process, we are encouraging the Executive to -- and
28 also the Council -- to pursue having an independent assessment of the Gude landfill site
29 because the location of the Gude Landfill site to serve the school bus needs is just
30 ideal. We all know there are issues with reclamation of landfills and the pilings are going
31 to go deep. There will be costs involved, there are timing issues, will this be ready in
32 time to relocate County Service Park facilities? All of those are issues that would have
33 to be looked at but we would like to have an assessment with a geo-technical company
34 to give us an independent assessment of how likely or costly the reclamation of the
35 landfill site would be. It's too ideal of a location to meet the school bus needs. Having
36 said all of that, we have been asked to look at potential sites and we -- and in our memo
37 have, identified the three known sites that have come through the Executive's REOI
38 request, those are Casey 6, Casey 7, and the Webb Tracts. And on those known sites,
39 all of them are industrial-zoned and Casey 6 and 7 are within the Shady Grove Sector
40 Plan and we've always been identifying those as potential sites to receive some of the
41 County Service Park's facilities. Given the EMOC's needs to be close to Metro, it is
42 likely that EMOC and the Ride On bus facilities would be located on Casey 6 and 7. I'd

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1 like to point out also that Casey 6 is recommended also for a local park, for some of our
2 ballfield needs, so, development of Casey 6 for County Service Park relocation will have
3 to accommodate our local park, because that's one of the critical park needs that we
4 have to serve the needs of the plan. So, it wouldn't be full development of Casey 6, with
5 County Service Park. It would be some facilities and a local park. On Casey 7, again,
6 Ride On EMOC facilities could be located there. Close proximity to Metro, good access
7 from Shady Grove Road, but the issue there is that this facility would be screened and
8 compatibly laid out so that views of, again, an industrial County facility, directly across
9 from the Grove and along Shady Grove Road, would be compatible. Those are the
10 compatibility issues with Casey 7. On the Webb Tract, Webb Tract became known to
11 us, again, through the REOI. It's 132 acres, it is I-4 zoning. It will have the adequate
12 access off of Snouffer School Road, when Snouffer School Road is widened to four
13 lanes. It also has an approved preliminary plan of 1.2 million square feet and is
14 recommended in the master plan for Industrial Office Park development. It's a site that
15 cannot have residential development on it because of the airport and the restrictions
16 placed by the airport. The potential to put County Service Park facilities on the Webb
17 Tract have been extensively explored by the landowner that's interested in receiving the
18 County Service Park facilities. The reference that Councilmember Leventhal has
19 suggested, that there's some sort of deal going on, I -- I really would like to say that
20 Parks and Planning staff is open to whoever who walks in the door to discuss and
21 analyze properties. So there was a lot of discussing with consultants, but in no way are
22 we making any kind of a deal. We're analyzing and exploring feasibility and potential.
23 That's as far as it goes. So, what we have found independently in looking at the County
24 Service Park facility on the Webb Tract is that somewhere between over 500,000
25 square feet and maybe something significantly more, maybe up to 700,000 square feet,
26 might be located on it, it would be included in facilities such as the Liquor Control
27 Warehouse, the Radio Control Shop, our facilities, Park and Planning -- Park
28 Maintenance Facilities, and the Public School's maintenance and the School Bus Depot,
29 we analyzed at 400 school buses. In our analysis, we can meet the community's
30 concerns of setbacks, compatibility, preservation of lot 7. There're compatibility issues
31 we feel we can meet and we also know that we are within the traffic capacity -- we're
32 slightly under the traffic capacity of the approved preliminary plan. And our concern with
33 any development that's on the Webb Tract is that we stay with -- under the approved
34 preliminary plan's traffic impacts, and ideally and potentially we can even improve the
35 Webb Tract's compatibility with the plan that's in effect today. And that was the direction
36 we'd go if there was a proposal, which I'm sure there will be for the Webb Tracts. We
37 will be pursuing and negotiating improved compatibility and less traffic associated with
38 this kind of reduced program. From that standpoint of square footage, the preliminary
39 plan, again, has 1.2 million square feet. It will have a greater impact than the kind of
40 program we would be -- we would be supportive for County Service Park relocation.
41 Moving on to other sites in the area, you've asked us to look at industrial land in the
42 mid-county area, we've provided you maps in your packet that this one is showing



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1 industrial zone lands in the mid-county area with radiuses coming out from the Metro
2 area. We did this, again, to look for land that might be sizeable enough to provide for
3 some of this -- the facilities and the McGowan Tract is certainly within of them up here,
4 north of the City of Gaithersburg, just north of Metropolitan Grove, the Marc station.
5 That is one. However, the property owner is not interested in developing -- accepting
6 relocated facilities at this time. So, we continue to look for other possible sites and then
7 down in the Gude Industrial Park here or the, I think it's Red Gate Industrial Park, there
8 are a number of separate parcels where the value of the improvement is significantly
9 less than the value of the land, which suggests that these are redevelopable properties.
10 They're small properties. They would require assemblage and if a developer would be
11 interested in working on assembling these small parcels, they might be able to get up to
12 acreages that would be of some benefit to the County Service Park relocation. We have
13 not gone further than to identify the -- these as properties that have land values that
14 suggest they're ready to be redeveloped and we haven't done that because obviously
15 there have to be assemblages and a lot of assumptions made, which we can't at this
16 point do. But this is the kind of opportunity that the RFP might bring forward more
17 interest from some of these industrially-zoned properties that are ready to redevelop,
18 anyway. Some of these might have come together and make proposals. We will be sure
19 when the RFP is ready to go out, that each one of these property owners will be sent
20 the RFP and see if there can be any interest. So, that's true for the Gude Landfill.
21 There's also up in the airpark, some of that same kind of situation occurring, where
22 small parcels, adjacent to each other, ready to experience redevelopment, may come
23 forward for assemblage purposes to apply for this RFP. Also, we had pointed out that
24 we should also look at publicly-owned land that the County has to date and the ones
25 that we again looked at was the PSTA, right here off of Shady -- Seneca Highway and
26 we know that there's a full program on that, but there could be, with more structured
27 parking, more compact-type development, if somebody really looked at this, maybe one
28 of these facilities at the County Service Park, such as the Radio Control Shop, might be
29 able to be added to the PSTA. It will take a lot more study to determine this but we're
30 putting out potential things that require more analysis, more coordination with the
31 agencies, but potentially might yield some of the relocation facilities. And again, we'd
32 like to highlight that the Gude Landfill, located here, right off of Gude Drive, is an ideal
33 one from a location standpoint, many issues to work through before we can determine
34 the feasibility of that. So, I think that concludes my presentation.

35
36 Council President Perez,

37 Thank you, do you have anything to add, Mr. Chairman?

38
39 Derick Berlage,

40 No, I think Karen's done an excellent job. I won't add a thing.

41
42 Council President Perez,



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1 Great. Mr. Leventhal.

2
3 Councilmember Leventhal,
4 Who owns the Gude Landfill?

5
6 Karen Kumm Morris,
7 Pardon?

8
9 Councilmember Leventhal,
10 The County owns the Gude Landfill?

11
12 Karen Kumm Morris,
13 Yes.

14
15 Councilmember Leventhal,
16 So how would consideration of the Gude Landfill fit the RFP process that's detailed
17 here? In other words, my -- if the Gude Landfill, as you say, Karen, and I appreciate
18 your presentation, has great potential, we don't know yet, there's a lot of issues we have
19 to explore, brown fields issues, environmental issues, a lot of questions, but if that has
20 great potential our -- as I hear this process of we're going to issue an RFP, the private
21 sector's going to respond, we're going to evaluate the private sector responses, if one
22 sounds good, boom, we'll do that -- I'm trying to avoid the word "deal" -- how does
23 evaluating the Gude Landfill play into that? The memo suggests that there are some
24 number of years involved. Let me read from the memo, it says, "the large acreage and
25 strategic locations of the Gude Landfill also warrant more analysis." But presumably we
26 will not respond to our own RFP. If the private sector jumps up and says "Choose me,
27 choose me," and we choose them, then the Gude Landfill becomes moot, and yet there
28 may be other benefits to locating at the Gude Landfill. So how -- reconcile those two
29 processes. And I do have more questions.

30
31 Karen Kumm Morris,
32 I would suggest to Council move quickly to have an independent study of the Gude
33 Landfill so that we can have more knowledge of what is the geo-technical opportunity
34 and the time frame involved and the cost involved in bringing this property up to a level
35 of development that -- or reclamation that would make it suitable to receive facilities,
36 and that needs to be done very quickly in order to...

37
38 Council President Perez,
39 Can I just ask, Scott, I mean, it's not the Council, I assume you are referring to the
40 County Executive? What's your intent with respect to the Gude Landfill?

41
42 Scott Reilly,



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1 We'll be happy to take a look at it. We have not considered it at this time because of the
2 environmental issues that we had experienced and are experiencing now on the site.
3 Can't agree more that it's ideally located for some of the relocation uses but, to date, we
4 have not done any -- I'm not aware that we've done any more serious consideration of it
5 than just knowing that it's there and expecting that in 10 to 20 years it may be a very
6 good place to have a County facility located.

7
8 Marlene Michaelson,

9 And I do believe that's exactly the issue, is that staff at DEP, as well as Aron, who I
10 asked about this question, feel that it's very unlikely, or perhaps impossible that we
11 could relocate these types of facilities in the time frame we're talking about. So, before
12 there's an independent study, you might want to get some additional information about
13 the analysis they've done of the potential to redevelop this site and whether it really is
14 realistic in the near term.

15
16 Councilmember Leventhal,

17 So how would we set that in motion?

18
19 Scott Reilly,

20 Mr. President, you have set it in motion. I will have the information that we have
21 assembled on Gude Landfill and I'll get that to you.

22
23 Councilmember Leventhal,

24 I have some more questions, please. Do we have already -- I got a stack full of stuff
25 here on the Shady Grove Sector Plan and I don't even have everything -- do we have a
26 list of all the facilities at the Service Park today, what is their replacement need, the time
27 frame in which they need to be replaced and the likely cost of replacement. I'm just -- let
28 me just say with the issue of revenue neutrality, you know, there are dollar costs and
29 there are externalities. I don't have a good handle on the dollar costs. Externalities
30 mean health effects, effects on people's quality of life, changes in traffic patterns, things
31 that you can't really put a dollar value on. Okay? So...

32
33 Councilmember Floreen,

34 Good word, George, good word

35
36 Councilmember Leventhal,

37 And so what I'm trying to weigh here are questions that -- and I have asked a lot of
38 questions and I have got a lot of answers. I'm not complaining about anybody's lack of
39 responsiveness, people have been very responsive and I appreciate it. But I'm trying to
40 weigh, okay, what is this parcel, or these parcels of the County Service Park, what are
41 they really worth, and then what would be the alternative be worth? If we did a swap,
42 would we be making a swap of equal value? And would the benefit to us of moving



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1 these important functions away from 270, 355, 370, and all the other feeder roads that
2 are there, to some other location that may or may not be as optimal from a
3 transportation standpoint. What would we lose in that regard? Hard to put a dollar value
4 on that. But for things easy to put a dollar value on, I don't even know if we have a chart
5 of that. What will the liquor -- I know -- I have been told, I don't know how urgent the
6 need is, frankly, but I have been told that George Griffin desires a new liquor
7 warehouse. I'm sure he has good reason to. What time frame? How much will it cost? I
8 have been told extensively, 'cause I sit on T&E, that EMOC has really got to be
9 upgraded in the near term. How near? How much cost? Bus depot: I have been told we
10 don't need to relocate the bus depot, it's just a question of trying to achieve the other
11 objectives in this plan. Is that correct? I'd like to see a chart. Food processing: same
12 thing. I think we don't really need to relocate that. But if we do, does that need to be
13 upgraded, and when, and how much will it cost? Can we get a chart with those items on
14 it.

15
16 Scott Reilly,

17 Yes, sir. We will -- every statement that you said there was very correct. George Griffin
18 wants a new warehouse, Temperature controlled. We do need to do upgrades at the
19 EMOC, they're crucial. The bus facility works fine where it is. We need to do some
20 expansion to allow new CNG refueling capabilities there. Food processing is looking at
21 some upgrades. We have already received from both Park and Planning and the Board
22 of Education future needs. And we're beginning to couple those together with our future
23 needs, some of which are already in the CIP process and we've held back on those
24 because we want to support the better land use around the Shady Grove Metro Stop. I
25 do not have a table at this time that outlines everything that you asked. We know what
26 is there now, we have a good idea of what the various agencies are requesting for
27 future needs, but we have not assembled those in one comprehensive plan, especially
28 with dollar figures on those for our use at this time.

29
30 Councilmember Leventhal,

31 Okay, so, if we could get those, that probably shouldn't be hard to assemble. Here's
32 what's going to be harder to assemble. First of all let me say this, look, in my use of the
33 word "deal," I realize it's a loaded word, I want to choose my words prudently. In no
34 way, at any time am I suggesting that anyone in the public sector is in any way getting
35 any private benefit from any conversation at any time. I don't think anyone is violating
36 good ethical standards or anything like that. Let me be very clear about that. "Deal"
37 simply means a discussion that someone who thought they had something of value to
38 the County described and someone relayed it to the County said "Yes, that might be of
39 value." And from that, other things might come into play. Was it a final agreement?
40 Obviously not because we are in the process that we are in. So "deal" is a shorthand
41 word of describing an offer, a discussion, a concept, that was pitched by a landowner
42 and from that many other potential things fall into place. So, if anyone objects to the



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1 word deal, I'll try to find another appropriate word. Words matter a lot to me. I don't
2 mean to impugn anyone's motives. I would never want to do that. But a concept was
3 pitched to staff and staff said, "Wow, that concept has much potential merit. And if we
4 did that, other things might happen. And those might have merit. And I don't seek to
5 impugn anyone's motives. I understand from those set of concepts, we now face a
6 committee recommendation on the Shady Grove Sector Plan. But much of it hinges on
7 this concept. And this concept has many concerns. I have many concerns and
8 reservations about the concept. And again, in trying to calculate, trying to weigh the
9 relative values here, I am not sure that we ever adequately looked at -- and I don't know
10 that there's any way to look at some of the other things. We can put a dollar value on a
11 replacement cost for the liquor warehouse. I've asked for that, that's an relatively easy
12 thing to get. I don't think we can ever put a dollar value on what will this upzone
13 residential land and Metro be worth? Gosh, almighty, it's going to be worth a lot. It's
14 going to be worth a lot. It's going to be highly valuable, highly desirable land. And in
15 return, we're going get a relatively, excuse me, crummy industrial zone parcel
16 somewhere further away from our road network. And we'll get a new EMOC and a new
17 liquor warehouse. I'm very clear on terms of -- I don't want to use the word deal. The
18 terms of this concept. The terms of this potential exchange. Okay? The difficulty that I
19 face is that when -- and we all face. Is that when we try to describe this to the people we
20 represent, the externalities are first in their minds, the dollars are second. For me to say
21 good news, we save you money, sounds like a GEICO ad. You're getting a new EMOC.
22 The folks that we all represent are not going say, "Wow, a new EMOC! Thank you.
23 That's really wonderful." What they will be aware of is, what's the effect of these diesel
24 fumes in my residential neighborhood from these school buses? Is it going to be harder
25 for me to get out of my neighborhood now because there's going to be buses day and
26 night? What is the effect at Shady Grove. You've got the communities affected by this
27 are aware of the externalities. We're doing it in terms of dollars, and we have to think
28 about dollars. We also have to think about the effect on the neighborhoods that are
29 involved and so my concern also is it would be easy to say just adopt this plan now. I
30 understand that this plan makes ample provision for what if the land swap doesn't
31 occur? Okay. If we do the County Service Park, we get this. If we don't do the County
32 Service Park, we get this. I understand that. I also understand from the RFP process, if
33 we raise our hand and say "yes" to the Shady Grove Sector Plan and the process goes
34 ahead and we get responses to the RFP and staff determines it meets the revenue
35 neutral goal, that's going to be a very, very hard train to stop. Once we're months down
36 the road and all of those things have been set in motion, to then say well, you know
37 what? Jeez, what about these externalities, what about all of these other things? What
38 about the cost, and what about the benefit to the landowner? Is the landowner getting a
39 windfall out of this. Those are going to be much more difficult questions to ask once the
40 RFP has already been let and responded to than they are today. I'm asking those
41 questions now and I'll have further questions later.
42



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1 Council President Perez,
2 Ms. Praisner.

3
4 Councilmember Praisner,

5 Well, I think that the challenge, of course, is trying to say we aren't talking about a
6 relocation or a swap in this master plan while we're also talking about what the
7 implications of moving off the properties are and trying to look. I think from a standpoint
8 of looking at industrial land only as opposed to looking at something that is residential or
9 et cetera, we are looking at maybe different kinds of impacts, but similar kinds of uses
10 since whether it's a garage that a County facility garage or a non-County facility garage
11 kind of things, or trucks coming in and out versus buses, it may be a magnitude
12 question but not a functional question. The concern I have, and I welcome Mr.
13 Leventhal's conversation. I think we have tried very hard to separate the two, but I don't
14 think we can. And I know staff has urged us not to talk about because that's a
15 negotiation and a RFP. I think Mr. Leventhal's piece of paper will be very helpful, as well
16 as discussing the externality kinds of issues or the issues that would be a function of
17 something. The concern that I have, or the question that I have is I'm not clear having
18 sat in the MFP committee and talked about the Rockville core and the needs in the core
19 and the external issues that we're now learning are -- or that are not pieces of what
20 we've talked about before, like HVAC systems that aren't working, such that it may
21 require significant challenges for even the uses that exist right now. Courthouse uses,
22 County Council building uses, Executive building uses, where significant functions may
23 have to be temporarily relocated in order to deal with the buildings or maybe this
24 building needs to have something done with it and the functions here. My concern is
25 where in this process of bringing all the parties together is the equation of efficiencies
26 and not just -- this isn't a Lego process where you pick up the Lego building that you
27 have now and you move it to another parcel. If we're just relocating what exists now the
28 way it looks now, then I'm not sure -- and it affects the revenue neutral discussion which
29 the Executive keeps talking about and which I think needs to be off the table, so to
30 speak, because if we're trying to look at those other, maybe they're -- maybe they are
31 tangible issues, but they're more complicated. If at some point we're going to have to
32 modernize the building or at some point we're going to have to do something more
33 efficiently, the way we're organized: buses, maintenance, et cetera. Or if the school
34 system population modifies such that we want to locate multiple bus centers for smaller
35 numbers of buses, that has a cost of duplicating maintenance or maybe there's only
36 some fueling but not the maintenance, and you take the bus elsewhere to a central
37 location to be maintained or upgraded and you keep a cadre of replacement buses or
38 something. That has a cost as well. Where in this discussion of moving to RFPs and
39 industrial property is the kind of analysis that needs to take place from some entity who
40 is an efficiency person, or a management reviewer, that says these functions can be
41 done more efficiently this way, or can be combined this way so that when we're looking
42 for something, we're also looking for something better than the way we're organized,



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1 which may be fewer acres or may provide room for expansion on fewer acres or the
2 same number of acres, which we don't have right now. So I'm uncomfortable, I guess,
3 with a piece of this, A: because we have tried to keep the grill out of the room as it
4 relates to talking about one parcel, and that's a legitimate argument. But, I think from a
5 government perspective need to have within this discussion the viability of and the way
6 in which we are approaching the relocation of these functions to equally or close to
7 usable comparable land from the standpoint of usability while freeing up land that given
8 its proximity to Metro, can be used more appropriately in the future.

9
10 Marlene Michaelson,
11 Ms. Praisner, can I -- I suggest the types of things you're talking about, to me, about
12 these are appropriate criteria to place in an RFP. In addition, if you take away the cost
13 neutrality issue and put out an RFP that says the number one priority is mitigation to
14 surrounding communities, in theory you could end up with a bus depot that's
15 underground that has state of the art things to catch fumes. You could end up with an
16 entirely different project.

17
18 Councilmember Praisner,
19 I'm not really ready to say the number one project is mitigation, that should be an
20 element of it. I want a more efficient operation that meets criteria, but I don't think it is
21 just an RFP process, Marlene. I really think it is a planning and a functional process of
22 government thinking differently about its functions and not suggesting that the private
23 sector -- So I'm looking for someone to be hired from the government perspective to
24 help us manage much as we have a system integrator help us with the 800 megahertz
25 issue, forcing us to do things in a different way. I think we need someone to manage
26 this process for us who understands these kinds of uses, but also understands trying to
27 bring them into the 22nd century, so to speak, 21st century, at least, but looks at these
28 functions and tells us what's wrong with how we're operating them from an efficiency
29 and a functionality as well as from an appearance perspective.

30
31 Scott Reilly,
32 These are great discussions to have and it's one of the reasons the RFP is not out right
33 now. I know that we have other Executive branch agencies saying look, if you're going
34 to be doing this, we really would like to have the following space. We're in discussions
35 with the Board of Education saying, look, do you need to have a bus maintenance depot
36 there when we've got a bus maintenance depot across the street? Is there some way
37 we can have efficiencies there? We're still looking at how to best maintain Fire and
38 Rescue equipment. Should that all be considered as we do our plan for relocation and
39 enhancement of the facilities. So those are concepts that are out there and I appreciate
40 you putting them on the table right now. I do not have an answer on whether we will hire
41 an efficiency expert. I think it's a great idea.



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1 Councilmember Praisner,
2 I'm not sure efficiency expert is the right term.

3
4 Scott Reilly,
5 I understand what you're saying. I think that's a good idea and would certainly make any
6 relocation and expansion and upgrading of our critical facilities that much more efficient.

7
8 Councilmember Praisner,
9 The only other comment I had related to the publicly owned land. We've talked about,
10 you know, the Gude Landfill issues. And I support the comments about getting the kind
11 of analysis about the conditions within as far as what's a viable option and how soon.

12
13 Scott Reilly,
14 Okay.

15
16 Council President Perez,
17 Mr. Knapp.

18
19 Councilmember Knapp,
20 Thank you, Mr. President. Scott, I just wanted to follow up on Mr. Leventhal's remarks. I
21 appreciate what George has asked for 'cause it's something similar to what we've been
22 talking about for a while, which is what are the agency and department requirements
23 and how do we capture that? I guess my question I have is, can we have -- do you think
24 you can put that information together in a time frame so we can see that as we're
25 considering this or is that something that comes in separate and apart from this
26 considerations.

27
28 Scott Reilly,
29 How long are you going to be considering? I'm sorry, that's not...

30
31 Marlene Michaelson,
32 I think we need to distinguish if you're talking about what are their existing needs, my
33 understanding is that's been something that the Executive branch has been working on
34 and had actually Lisa Rother, who could not be here today, had indicated she was
35 planning to bring it. I assume that's being close to being finished. If you talk about what
36 they want when you're giving them the opportunity to now envision a new location and
37 new facilities, I think that's the part they're struggling to bring to closure.

38
39 Councilmember Knapp,
40 Okay. That's a fair point. And I think at a minimum, we need to have an understanding
41 of what their specific requirements are for this conversation. In the RFP, if and when it
42 gets issued, how will the notion of being revenue neutral and the options that are



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1 revenue neutral be weighed relative to anything else? Is that going to be something that
2 is a primary overriding factor so that it would necessarily kind of push any other
3 alternatives off to the side or is that a component so that it wouldn't serve necessarily as
4 a deterrent to any of these other options that have been presented here.

5
6 Scott Reilly,

7 The fiscal neutrality of the plan is going to rely entirely on the densities that are put in
8 place obviously in the County Service Park by the Sector Plan. So, since we're
9 preparing the request for proposals to go out in advance of that, or the sectional map
10 amendment, no I don't think fiscal neutrality will be a governing factor of this. First thing
11 we have to do is find out who has land that's appropriate operationally and compatibly
12 with the uses that we're looking to locate.

13
14 Marlene Michaelson,

15 If I can just add, I think it's absolutely critical that the RFP ask for a mitigation strategies
16 even if those change the fiscal neutrality and that in no way does the RFP assume that
17 the County will trade away those mitigation strategies to maintain fiscal neutrality. I think
18 we could end up with a very different proposal if there's some indication that we would
19 pay to provide mitigation strategies.

20
21 Councilmember Knapp,

22 I'm not sure who this is for, maybe for you Marlene. What is the current Council role in
23 the next stages? Obviously we do the land use and make the zoning modifications. But
24 what happens once an RFP has been issued and that process gets underway? At what
25 point or does anything come back to the Council for its ultimate approval?

26
27 Marlene Michaelson,

28 Yes, I think clearly, regardless of how this is structured, there's going to have to be a
29 CIP project. Ultimately that will be the Council's clear decision point, but what the
30 Executive branch has suggested is a briefing between now and then so that the Council
31 is kept in the loop of what the options are and the review process.

32
33 Councilmember Knapp,

34 Okay. Okay. I think it's -- again, I will say this in kind of repeating what George has said,
35 but I think it's important for us to make sure people have a full understanding of kind of
36 all of the range of options in front of us as we are considering this. Because, yes, in a
37 theoretical world it makes sense. These aren't the same issues and they are decoupled.
38 But I can tell you, as soon as we have a conversation about the Shady Grove master
39 Sector Plan, all of the phones, all of the lines start to light up because people out there
40 who don't differentiate between those pieces. So we've got to be able to recognize that
41 and appreciate that. We've got to make sure all of the options are available for people to
42 look at so they're aware of what we're considering. Because I think that it's important to



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1 at least achieve the densities that the committee has recommended, at a minimum, and
2 if we're not going to -- while I appreciate the fact we have the land swap options that you
3 can do it or not do it, I don't think given what we're trying to do as a County that we have
4 the option to not try to achieve the highest possible densities here. And so I think it's
5 incumbent upon us, us as County government, to make sure that people have a very
6 good understanding of all of the options that are being weighed, all of the alternatives so
7 that while -- 'cause, unfortunately they are kind of inextricably linked, so we've got to
8 make sure to show that to them -- a the decision-making process, or I think,
9 unfortunately we run a serious risk of not getting anywhere near the level of density,
10 because I don't know how it derails but I think it's likely that things could. So I would
11 urge everybody to make sure we get as many of those pieces of information so we can
12 get them out to the community sooner rather than later.

13
14 Council President Perez,
15 Ms. Floreen.

16
17 Councilmember Floreen,
18 Thank you. I think this has been a very helpful conversation to date. The challenges, of
19 course, that none of the actual agencies were asked to rearrange their entire functions
20 are sitting here. So this has a lovely academic quality to it, but we don't have a single
21 person who's got to manage a major staff...

22
23 Marlene Michaelson,
24 Park and planning.

25
26 Councilmember Floreen,
27 Well, Park and planning, technically, who is here sharing with us their worries. Mr.
28 Holmes has shared with us his extreme concern about the urgency of dealing with the
29 EMOC facility. And so we are well aware of that, how that actually is going figure into
30 that decision-making process which we have of our own accord delayed for some time
31 is going to be a continued challenge for that department. So, let's agree that this is a
32 very academic conversation. Marlene, what we have in the plan is a two-year time
33 frame for resolution of the County Service Park...is that what we ended up with?

34
35 Marlene Michaelson,
36 Well, to clarify, the staging plan says you will not hold up other developers who want to
37 go forward if this cannot be resolved in two years. It doesn't mean that the County
38 government has a two-year time frame. It just tells us whether or not we can delay other
39 people. We're basically holding development in stage one for the County Service Park
40 to redevelop. But if they don't do anything in two years, they've lost that right to the first
41 capacity.



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1 Councilmember Floreen,
2 Okay. Okay. So that's really -- thank you for reminding me. So that is really the pressure
3 point to get that objective achieved.

4
5 Marlene Michaelson,
6 That and I will all remind you that we have a school site and reservation. The
7 Committee's recommendations would have the developer of the County Service Park
8 pay for the school site. I believe that the December, 2006, is when the reservation
9 period ends, so it would mean if this is not resolved by then that the County would have
10 to pay for the school site. That's the other time pressure point.

11
12 Councilmember Floreen,
13 The challenges of all this is what kind of promises are we really making to the
14 community here? And how are we going to ensure that they are [INAUDIBLE]? It's not
15 unlike the Clarksburg issue although this is a different scale, in terms of rearranged the
16 community and delivering a product where the County is a partner in some of this, but
17 not all of it. So, I am very concerned, but the pretty pictures that show the delivery of
18 certain public facilities all premised on a really complex set of assumptions and
19 arrangements. We tried to spell out the elements of this, but I don't think it's by any
20 means certain what promises have been made or statements have been made in
21 Committee or by parties who aren't in the room right now will really be delivered at the
22 level and scale that we hope, presumably the zone, the zones will help to achieve this,
23 but I think we need to add a really big caveat, "it all depends."

24
25 Marlene Michaelson,
26 Right, and the staging as well. I don't disagree with what you just said about we can't be
27 certain about what will happen in terms of these facilities, but if the staging plan
28 approved is recommended by the committee, we can be certain that the development
29 will not proceed if those facilities are not in place. This is, as you said, I believe earlier,
30 one of the most aggressive staging plans we've ever had and includes public facilities
31 that I don't think we've ever included in a staging plan before.

32
33 Councilmember Floreen,
34 So I am -- I just think we all need to be clear that these are very academic
35 conversations right now, and we do not know what is actually going to be on the table.
36 My question really to Karen, was what you didn't refer to. You have another memo in
37 that packet. At least I don't think you did. On Circle 5 --. 65, about the implementation
38 plan oversight. I don't know if folks have had a chance to look at that. This would move
39 us more toward a position of agreeing that we need a plan. That's really what you're
40 saying on circle 65. Isn't that right, Karen?

41
42 Karen Kumm Morris,



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1 Yes, once we know what is the plan for density and land use recommendations, we're
2 saying that we should learn from Clarksburg that we need to have more oversight and
3 the implementation of the Shady Grove plan and require an implementation plan that
4 follows the approval of the Shady Grove land use and transportation and all the other
5 recommendations in this plan. This implementation plan would list the public actions
6 and the facilities and hopefully because of the staging that we have put into place here,
7 be able to sequence not specific to dates, but in terms of what should happen first
8 before other things. And identify the implementing agencies responsible for this and
9 have some staff person in the Executive Branch be identified as the architect in charge
10 of providing public facilities in coordination for the staging plan of the Shady Grove plan
11 to give oversight from the Executive Branch to deliver public facilities in a timely fashion
12 with private sector development. We're also suggesting that the community have this
13 oversight ability as well in the form of a community task force and be brought within
14 each step of implementation to be assured we're implementing the plan in a timely
15 fashion and getting public facilities as this plan promises.

16
17 Councilmember Floreen,
18 I think that's a good idea. I'm not sure that I think, though, that Park and Planning is the
19 agency to put the plan together...

20
21 Karen Kumm Morris,
22 The implementation plan?

23
24 Councilmember Floreen,
25 ...as you proposed. I don't know if Marlene or Scott have had a chance to look at this
26 issue. I view you folks as the planners, the visionaries, the big picture people, the
27 creative department, but not the implementation department.

28
29 Karen Kumm Morris,
30 We've already done such a task in Silver Spring and Takoma Park's plan. We put
31 together a framework for action. That's sort of a tracking -- it does the same thing, in the
32 sense it identifies the actions in Silver Spring and Takoma Park, their...

33
34 Councilmember Floreen,
35 That might be true., but we sure haven't been relying upon it in CIP. Maybe we have,
36 but it hasn't been a major player in the CIP analysis or the kinds of coordination issues
37 that have certainly arisen from the community. Maybe it's there.

38
39 Karen Kumm Morris,
40 It is there. It guides our staff in knowing how to approach and to promote activities.

41
42 Marlene Michaelson,



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1 And I do think further work needs to be done to flush this out. One thing the Committee
2 talked about, which is not here, which is going to be important, is have a plan for
3 assuring compliance with project plan and site plan requirements. And that does link
4 directly back to some of the issues that were faced in Clarksburg. And so the
5 Committee wanted this issue to be explicitly dealt with in terms of Shady Grove and how
6 we would make sure there would be compliance. So I think that needs to be a key
7 element of that would be something Park and Planning would be responsible for. I think
8 in terms of the capital facilities planning, that may be something that ends up being
9 more of an Executive Branch function and so this could end up being a plan that covers
10 multiple agencies and has input from multiple agencies.

11
12 Councilmember Floreen,
13 What is the County executive staff think about this?

14
15 Scott Reilly,
16 I recall 10,12 years ago in my role as Planning Manager of the Planning Implementation
17 section doing that very thing as we reviewed the master plan and did our fiscal impact
18 analysis on the plan. We relied heavily on the framework for action to identify agencies
19 and identify public projects that were going to be required for the implementation of the
20 plans. I found it to be very helpful and would expect it in this Sector Plan area to be just
21 as helpful.

22
23 Councilmember Floreen,
24 Well, I guess I would ask you -- when are we going take final action on all of this? Do
25 we have a plan today? Doesn't look like it.

26
27 Marlene Michaelson,
28 Right. Once you've finished your straw votes, then I'll have to draft a resolution with
29 specific language.

30
31 Councilmember Floreen,
32 I would ask that this particular language be subject -- subjected to some further
33 attention, to make sure that we're clear and make sure that the right people are doing
34 the right thing and that we're very explicit about what the functions of the various
35 organizations, committee, whatnot, will be recognized in such a plan, because this is
36 incredibly complicated. There's significant competing policy objectives that we're trying
37 to mesh here. And we need to establish tradition now of some implementation oversight
38 that we haven't had in the past in the same way for a big picture. Let me ask that we
39 work that into the final -- to the extent that we can make it part of the plan itself, I think
40 that would be very good. Okay. Thank you.

41
42 Council President Perez,



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1 Mr. Andrews.

2
3 Councilmember Andrews,

4 Thank you. I do have some questions to add to Scott's list. But I do want to say first that
5 I do not believe that the goal of any plan at any location should be the most you can
6 possibly put on a site. The goal should always be what's reasonable for any particular
7 site, whether it's Metro Station or suburban area or the Agricultural Reserve. Clearly
8 what's reasonable varies depending on the site and what's already there. So I think
9 that's where you start from. The bottom line is, and this plan is a very real plan to the
10 people that have worked on it, that live in the area of Derwood, Rockville, Gaithersburg,
11 that have been involved in this for five years now. Very real plan. The bottom line is if
12 the plan is implemented, traffic will get worse and that's the bottom line. Regardless of
13 all the mitigation in the plan, for 50% of additional trips, traffic will get worse. And that is
14 a -- that will be a conscious decision of County Council that votes for this plan. It will do
15 that with its eyes open, knowing that will be the result on Rockville Pike, the 355/Gude
16 Drive intersection. That leads me into some of my questions for Scott. If facilities were
17 relocated to the Gude Drive area, what would be the traffic impact at Gude Drive and
18 355? At Gude Drive and Crabbs Branch? At Gude drive and Norbeck Road? And on
19 [Southlawn] Drive and Avery Drive? Those would be the routes out, those would be the
20 ways out from the properties along Gude Drive. So what would be the traffic impact at
21 those intersections? Second, what would be the air quality impact of the facilities,
22 depending what they are? The Gude Drive Landfill is very, very close to the
23 Hollybrook/Derwood Station neighborhood. Right behind Grinell Drive, Grinell Terrace,
24 Grinell Court. What would be the impact there? And also on the Lincoln Park/East
25 Rockville Communities and Red Gate Farm? And what are the environmental
26 restoration costs with the potential sites along Gude Drive? Those are all critical
27 questions I think we need to have answers to. But the Gude Drive/355 intersection is a
28 choke point already and it's not scheduled for any grade-separated interchange for
29 many, many, many years. It's not on the state priority list for -- it's nowhere near -- it's
30 years away. I have asked Glenn Orlin about this. His response was minimum 15 years
31 before it would get state funding for the grade-separated interchange at Gude and 355.
32 And that is the weakest single part of the traffic impact of this plan. That intersection
33 where the traffic would be heading from in the morning from Shady Grove heading
34 south on 355 would join the already backed up traffic at that intersection with no realistic
35 prospect of relief for 15 to 20 years unless the County funded the 30, 40, 50, \$60 million
36 interchange, which is unlikely to happen. So that's the impact. That's what will happen.
37 It's not a mystery. It's very predictable. So what would be additional impact of having
38 traffic coming out -- more traffic coming out from the Gude Drive properties if they were
39 relocated there? Thanks.

40
41 Councilmember Leventhal,



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1 Okay. We've heard a number of times that this plan is complicated. I keep hearing
2 details that perhaps I had not focused on in my voluminous reading on this plan, which I
3 have done. So what I'd like to see now are our best sense of what is gonna be in this
4 RFP. Marlene mentioned that we're asking the developer of the County Service Park
5 site to purchase a school site. Okay, so what else are we asking for? Can I see the
6 terms of what we expect is going to be in this RFP? We know they're going to pay for
7 the liquor warehouse or the EMOC or whatever ends up getting built, and if the school
8 site is another demand. And then If the TDRs are going to be added I liked to see them
9 itemized. Ultimately what I'm looking for -- I might have to tally this up myself. The terms
10 of the RFP we should be able to get what we anticipate would be in the RFP. No?
11 Shaking your head no.

12
13 Scott Reilly,
14 I'm saying if the RFP is going solicit interest and if you have land come and talk to us,
15 show us what land is available until we know what densities might be at the project, we
16 have no idea what kind of deal could be negotiated. I mean, we'll negotiate for every last
17 drop of blood we can squeeze out of the deal but we don't know where the bottom line
18 is going to be yet.

19
20 Marlene Michaelson,
21 Mr. Leventhal, the terms I was mentioning about the school site, for example, are ones
22 that the Committee is recommending be put in the master plan.

23
24 Councilmember Leventhal,
25 Maybe you could itemize for me.

26
27 Marlene Michaelson,
28 I could tell you what's in the master plan.

29
30 Councilmember Leventhal,
31 Again, cost benefit. Okay? The benefit it seems to me of purchasing recently zoned
32 upzoned residential land at Metro, that benefit is clear. We're imposing a lot of costs and
33 I'm aware of that. It's not like anybody gets away scott free. The school is a new one I
34 hadn't focused on, purchasing the -- building the new facilities, the EMOC, the liquor
35 warehouse and whatever else we do. So, could you just --

36
37 Council President Perez,
38 The Blair Auditorium, as well.

39
40 Councilmember Leventhal,
41 The Blair Auditorium is in there, let's just put it all in there, TDRs, you know. Meet every
42 need. I'd like to understand in an itemized way.



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1
2 Council President Perez,
3 ...I haven't forgotten about them.

4
5 Councilmember Leventhal,
6 The other thing is now, how many units go in the County Service Park, if it's all
7 developed?

8
9 Karen Kumm Morris,
10 2240.

11
12 Councilmember Leventhal,
13 2240 units go to the County Service Park.
14 Karen Kumm Morris,
15 That's a mix of apartments, condos and towns.

16
17 Councilmember Leventhal,
18 Okay, that's it for now. Thanks.

19
20 Council President Perez,
21 Mr. Silverman. I was going try to summarize where I thought we were but go ahead.

22
23 Councilmember Silverman,
24 I'd let you do that because you're the President. I was just going to make two
25 comments. One of them is, we'll be back -- I want to respond to Mr. Andrews comments
26 about traffic getting worse, but I can't find my transportation packet. So we'll get back to
27 that this afternoon. Because my recollection, you're gonna point out that it's in there.
28 Where is it, Marlene?

29
30 Marlene Michaelson,
31 I believe it's part of the September 6th packet. And if you turn your attention to that,
32 starts on page 38 of that packet.

33
34 Councilmember Silverman,
35 I'm sorry, where?

36
37 Marlene Michaelson,
38 Page 38 of the September 6th packet is the transportation recommendation.

39
40 Councilmember Silverman,
41 Well, I don't want to -- what I'm looking for here, and we can come back, is that my
42 recollection is -- and maybe you can find this during our recess while we're in state

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1 legislation. But my recollection is that whether you go with the PHED Committee,
2 Planning Board recommendations, or you go with the public hearing draft numbers that
3 my recollection was that the traffic situation didn't substantially change. I may be
4 confused about that. But let's go back to -- let's take a look at that. I guess I just have
5 two comments to -- for all of us to think about over the lunch hour when we actually
6 have to come back and vote on this. The driving force in this plan is not a new EMOC. It
7 is not a new bus depot. It is not a new brand new spanking new temperature-controlled
8 liquor warehouse which George Griffin tells us he is certain he needs because that will
9 increase the ability of us to transfer more money than we're already transferring out of
10 our Department of Liquor Control into the General Fund. That's true. That's true. The
11 driving force is we have made a policy decision. I'll make this very truncated because I'll
12 save this for this afternoon. But we've made a policy decision in this County that this
13 wonderful Ag Reserve, which we have this picture of behind us, is basically
14 untouchable. We already know where there are developed areas in the County. We
15 know we're running out of land. We all run around talking about smart growth, smart
16 growth, smart growth, and affordable housing and affordable housing and now this new
17 term workforce housing, or middle-class housing. So the logical question is, if you don't
18 want it in the Ag Reserve and you don't want sprawl development, which is what we've
19 rejected when we looked at the Upper Rock Creek Master Plan, the Olney Master Plan,
20 and before some folks got here, the Potomac Master Plan. If you don't want to put it in
21 these areas, there's really only a few other places. That's why I made this comment
22 about Mr. Subin's comment and others about being consistent. If we're fighting to get
23 TDRs sold so that we haven't adversely affected our good friends the farmers in the Ag
24 Reserve. We have to have some place to sell them. It's the same principle here. We
25 can't run around talking about we're supporting affordable and workforce housing and
26 smart growth if we take a pass on what actually is the potential last clear area for
27 redevelopment. We will muck around from time to time in some of our other Metro
28 Station Policy Areas, but this is, you know, the major area. And there are actually some
29 planners out there who have articulated the view that this plan is completely inadequate.
30 That if you really want to do the reality check of -- that some of us participated in, that
31 the density ought to be significantly higher than even what the Planning Board has sent
32 over. The real challenge that we have is, if we know people are coming to this County to
33 live, the question is, where exactly are they going to live? Because we've made some
34 decisions already that we want to stand by. So that's my little message for what it's
35 worth. It is not about find place somewhere in the County that our top priority is the
36 EMOC facility. Our top priority is smart growth.

37
38 Council President Perez,
39 Mr. Andrews and then we will break for lunch.

40
41 Councilmember Andrews,



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1 I don't think that the top priority should be smart growth. I think the top priority should be
2 not making traffic congestion worse than it already is. Metro stations can tolerate more
3 growth than most other areas. And the proposal that was in the original plan was for a
4 lot of growth, up to 4,000 units. That's a lot of growth, any way you look at it. It's not a
5 choice between 6,300 units and zero. The question is what's reasonable? And it is a
6 false choice to characterize it as it's 6,300 units or no growth at the Metro Station. That's
7 simply not the way it is. But it seems to me that we should have as one of our major
8 priorities up here, not making traffic along Rockville Pike worse in this area. It's already
9 bad. This will undoubtedly make it worse. If there's anybody up here who thinks it won't
10 get worse if this is built, raise your hand. I have talked with hundreds of people in the
11 community in the last two, three months. There's not a person out there that doesn't
12 think the traffic won't get worse if this plan is approved. And it matters whether it's 4,000
13 or 6,300. Traffic will be force if it's 6,300 than if it's 4,000. There's just no debating that.
14 So it's a question of what's reasonable. What's reasonable for this area given what's
15 already there and what's planned? Now, I come back to the point that the Crabbs
16 Branch/355 intersection. We had a vote yesterday. It was 4-3 not to require any upper
17 limit on congestion at Metro Station Policy Areas. I proposed that along with what staff
18 had recommended, Glenn Orlin, in the PHED committee that there be an upper limit,
19 200 Critical Lane Volume above what the standard is at Metro Station Policy Areas.
20 That would ensure that congestion -- developments wouldn't be approved if they were
21 taken above that level. There's no upper limit right now under the growth policy and
22 there still isn't, if it's approved as proposed by the PHED committee. That failed 4-3. So
23 there's no check on what happens at these intersections in terms of what the growth
24 policy is. So this 355/Gude Drive intersection, which is already 25% over capacity and
25 scheduled to be predicted to be close to 50% over capacity by 2025, there's no check
26 on how bad that can get if this plan is approved unless we tie in a requirement -- and I
27 will be proposing an amendment later on to tie in the construction at Shady Grove to the
28 construction of a grade-separated interchange at 355 and Gude Drive. That will ensure
29 that that intersection, that road, is in place around the time that the development is built
30 and not 10, 15, 20 years after. So, that will be an amendment that you'll see later on this
31 afternoon.

32
33 Council President Perez,

34 We will break until, I think, 1:30. We have state legislation. We're going start that at
35 12:45 so we can have a little bit of a breather to catch our breath. So we'll be back here
36 at 1:30. I think we're going into -- we're going do the final action on the Growth
37 Management Policy first and then we'll turn back to this.



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1 Council President Perez,
2 This is just a public hearing. Okay. Well, we'll wait for one minute.

3
4 Councilmember Silverman,
5 But we can't vote on it.

6
7 Council President Perez,
8 Do we have to vote on it right after?

9
10 Councilmember Silverman,
11 Yeah, it says "Public Hearing/Action."

12
13 Unidentified,
14 No, I'm not even supposed to be here, I'm here for the Police Department.

15
16 Council President Perez,
17 Actually, we are showing no witnesses for this, but are you -- had you signed up to
18 testify?

19
20 Unidentified,
21 Just in case you have any questions.

22
23 Councilmember Silverman,
24 Just here to pick up the check.

25
26 Multiple Speakers,
27 [laughter]
28 [INAUDIBLE]

29
30 Council President Perez,
31 Yeah, he's got -- there we go, he's got the check.

32
33 Councilmember Silverman,
34 Oh, man, you got the check.

35
36 Council President Perez,
37 Please don't -- yeah. Growth Policy. This is a public hearing on a supplemental
38 appropriation to the FY'06 Operating Budget for the Department of Police for the JAG
39 grant Juvenile Offenders Identification System in the amount of \$106,410. Action is
40 scheduled following the hearing. We have one witness, Councilmember Denis.

41
42 [laughter]



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1
2 Council President Perez,
3 Okay, what do you...
4
5 Councilmember Denis,
6 We need the money.
7
8 Council President Perez,
9 We need the money. Okay, very well. Very compelling presentation from
10 Councilmember Denis. And I find that to be persuasive and controlling. And so when we
11 have our next councilmember -- Oh, is this a...
12
13 Unidentified,
14 This is a special.
15
16 Councilmember Silverman,
17 Yeah.
18
19 Council President Perez,
20 Oh, I didn't read that closely enough.
21
22 Councilmember Silverman,
23 Oh, whatever it is It's a supplemental, it still requires six...
24
25 Council President Perez,
26 Okay, that's because I...
27
28 Councilmember Silverman,
29 ...'til January 1st.
30
31 Council President Perez,
32 ...didn't use my cheat sheet. Five votes.
33
34 Councilmember Silverman,
35 Why is it only five? Oh, it's a grant.
36
37 Council President Perez,
38 It's a grant.
39
40 Councilmember Silverman,
41 I stand corrected. Oh, here we go. She's raising two hands. We got six.
42



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1 Council President Perez,
2 I know. I just want you to know Ike [INAUDIBLE] would have known that was a five
3 vote, okay?

4
5 Councilmember Silverman,
6 You're mic is on.

7
8 Multiple Speakers,
9 [laughter]

10
11 Council President Perez,
12 We need levity during these next ten months. We need a lot of it. We just had this
13 riveting public hearing in which Councilmember Denis persuaded the Committee that
14 we should take action on this...

15
16 Councilmember Silverman,
17 He led the fight.

18
19 Council President Perez,
20 ...and I appreciate his leadership. All of those in favor signify by raising your hands.
21 Okay, it is, Mr. Andrews, as adopted so we can move back to our Growth Management
22 Policy and let's turn to -- we have to adopt a resolution at this point -- or act on the
23 resolution. We're going to...

24
25 Glenn Orlin,
26 You have you a resolution in front of you, Option number 10.. I just want to highlight a
27 couple more small changes we would like to make here that came up since we released
28 this. First of all on the top of page 10, if you could turn to that. This is the language of
29 the tag end of the chart on signalized intersections. And it says, "In addition the
30 Planning Board must examine any unsignaled intersection." We would like to end,
31 "Within the study area indicated," rather than "the applicable range." That's terms which
32 are -- the Planning staff feels is better for that.

33
34 Councilmember Silverman,
35 No, send it back to Committee.

36
37 Glenn Orlin,
38 No, I don't think so.

39
40 Council President Perez,
41 Yes.



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1 Glenn Orlin,
2 Mr. Faden had a change too, which I think is on... It's on page 4.

3
4 Mike Faden,
5 Yeah, this is very simple on page 4, first full paragraph we want to delete the sentence
6 that starts "In general" which actually has no effect and could be modified in the bill in
7 the subdivision amendment that's going before the PHED Committee next month.

8
9 Councilmember Floreen,
10 Where are you, page 4?

11
12 Mike Faden,
13 Page 4, first full paragraph that starts out under County Code Section 50-20C first
14 sentence should stay, second sentence may be too specific and is...

15
16 Councilmember Floreen,
17 "In general"?

18
19 Mike Faden,
20 Yeah, so the in general sentence should be deleted, bracketed.

21
22 Councilmember Floreen,
23 Including those...

24
25 Glenn Orlin,
26 Including "A"s and "B".

27
28 Mike Faden,
29 Right. Right.

30
31 Glenn Orlin,
32 And then the final thing is I will put this in the cover memo the Planning staff wanted to
33 you make a clarification about the table on the bottom of Page 9, just before the table.
34 This is the one with the number of signalized intersections. Do you want to or do you not
35 want to include intersections outside of Montgomery County? There is two ways to look
36 at this. One is the study itself could look at intersections outside of the County but, of
37 course, we don't have any authority to recommend any improvements, but you could
38 still do the study to at least show what the problems are. But maybe you want to include
39 them. So they wanted to have that clarification,

40
41 Councilmember Floreen,
42 So you're highlighting for us, one or the other.



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1
2 Glenn Orlin,
3 They would like to have that sentence, but right now it would end: "Each traffic study
4 must examine at a minimum the number of signalized intersections in the following
5 table." And then add to that either the words "excepting intersections outside
6 Montgomery," or "including intersections outside of Montgomery, one or the other. I
7 recommend "excepting".

8
9 Councilmember Floreen,
10 I would move that.

11
12 Council President Perez,
13 Ms. Praisner.

14
15 Councilmember Praisner,
16 Well, you're not improving that intersection but it has a information that would be helpful
17 to know the kind of traffic that's coming into or beyond the development. And if you live
18 on the County line or near the county line and have development there it may be that
19 you need to look at -- you can't direct the improvement be there but there are also
20 developments on the county line that span the County line in which case it's relevant
21 there and you wouldn't want to exclude intersections where the parcel is both in
22 Montgomery and Prince George's or Howard and Montgomery, or Carroll and
23 Montgomery, so why would you exclude intersections?

24
25 Glenn Orlin,
26 Well, as long as you made clear that there wasn't a expectation that the intersections
27 would be improved if there was a problem. So we could say "including intersections
28 without the expectation that they would be improved."

29
30 Councilmember Praisner,
31 No, because what if it's a bi-county improvement. Your improvement might be on the
32 other side of the County line.

33
34 Glenn Orlin,
35 And what if Prince George's or the District of Columbia or Frederick County don't want
36 to do it?

37
38 Councilmember Praisner,
39 Well obviously where appropriate and where supported by the other jurisdiction, why
40 not?

41
42 Glenn Orlin,



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1 Okay, well, the question, how it word this has to do with -- right, it's two things. One do
2 you include the analysis part, but secondly do you hold back the approval if the
3 improvement is not agreed on?

4
5 Councilmember Praisner,
6 If it's not supported by the other jurisdiction it's an impossible task replacing on our
7 development but, for example Riderwood might want to improve the Powder
8 Mill/Cherry Hill intersection which is in Prince George's County. And since the
9 development is both in Prince George's and Montgomery why wouldn't we want to
10 support that intersection improvement?

11
12 Glenn Orlin,
13 Okay, if that's the understanding of the Council we can change the language to say that,
14 but that was -- to include the study, but not...

15
16 Councilmember Praisner,
17 Well, I would support that -- require it unless supported by -- unless a bi-county project
18 and supported by the other jurisdiction.

19
20 Glenn Orlin,
21 Unless it's not supported by the other jurisdiction.

22
23 Councilmember Praisner,
24 Yeah.

25
26 Glenn Orlin,
27 Right, okay. That's all we have in the way of clarifications. Thank you. Otherwise, the
28 resolution is in front of you and the substantive changes are bulleted there on the cover
29 memo and where they're located in the text are in italics, and we made several other
30 stylistic and tactical changes as well which don't affect substance.

31
32 Council President Perez,
33 Very well. Okay. Mr. Andrews.

34
35 Councilmember Andrews,
36 Thank you Mr. President. I'm going to vote against this Growth Policy. Its fundamental
37 flaw, in my view, is that it allows unlimited congestion to develop in Metro Station Policy
38 Areas. Yesterday I proposed an amendment to limit what the congestion level could
39 reach at intersections that are in Metro Station Policy Areas that limit as proposed by
40 Staff and Committee, which is what I proposed to the Council yesterday was to limit it to
41 200 Critical Lane Volume above the standard. That was rejected on a 4-3 vote. In my



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1 view a Growth Policy that allows gridlock to develop is dumb growth not smart growth,
2 and that's why I will oppose this policy.

3
4 Council President Perez,
5 Ms. Floreen.

6
7 Councilmember Floreen,
8 Thank you, I wanted to get resolution of that last item with respect to the intersections.
9 Mrs. Praisner has certainly presented her point of view about including intersections
10 outside of Montgomery County with some additional language. I really don't think we
11 should allow other jurisdictions' actions to have any role in governing what we're going
12 to do here.

13
14 Glenn Orlin,
15 I think that's the understanding.

16
17 Councilmember Floreen,
18 So I really think that -- and to have it analyzed for academic purposes I think is -- is not
19 productive. So I would -- I think we need to make a decision on this and I would move
20 the -- that we choose the staff -- Staff's language was -- which was "excepting
21 intersections outside Montgomery County." Fine.

22
23 Councilmember Silverman,
24 We're trying to...

25
26 Council President Perez,
27 Is this related to what we just talked about?

28
29 Councilmember Floreen,
30 Yes, yes.

31
32 Council President Perez,
33 Okay.

34
35 Councilmember Silverman,
36 Mr. President can I just -- I'm sorry, where in the policy is it?

37
38 Glenn Orlin,
39 Bottom of page 9.

40
41 Councilmember Silverman,
42 Where would we put it?



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1
2 Councilmember Floreen,
3 This is in the cover memo.

4
5 Councilmember Silverman,
6 Oh, you would put it somewhere.

7
8 Councilmember Floreen,
9 It would go in on page 9, but the language is on the cover memo.

10
11 Mike Faden,
12 The language is on the cover memo.

13
14 Councilmember Silverman,
15 Is on the cover memo.

16
17 Councilmember Floreen,
18 Yes.

19
20 Councilmember Silverman,
21 Have we -- if I may, Mr. President, have we ever studied intersections outside -- I
22 apologize if we covered this, I just... Has the traffic study ever -- has a traffic study been
23 done which includes intersections outside of Montgomery County as part of the LATR
24 requirements?

25
26 Dan Hardy,
27 For the record, Dan Hardy, with Transportation Planning. I believe the answer is -- not
28 to my knowledge. We have not gone outside the County. I think the question for
29 clarification came up at yesterday's worksession, where the concern was in Fairland
30 View we had not gone one signalized intersection to the east and that would take us
31 outside of the County. So we were just wanting clarification as to whether the intent was
32 to keep counting to the minimum, which is now the minimum, regardless of whether we
33 hit a jurisdictional...

34
35 Councilmember Silverman,
36 Well, at the risk of asking a stupid question -- which I don't have problems with -- so if
37 we require people to include intersections outside of the County -- so if there is a failing
38 intersection in Prince George's County what exactly will happen to the development in
39 Montgomery County because of that?

40
41 Dan Hardy,



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1 My answer would be it would not affect the development because we don't set Growth
2 Policy standards, congestion standards, for areas outside the County. It would be
3 informational. Something to let other jurisdictions know what we were finding about
4 development...

5
6 Glenn Orlin,

7 It has another impact, too, which is that if you go outside of the County the range of the
8 development that's in the pipeline is counted. So, if you go out three intersections or
9 four intersections it enlarges the amount of background traffic in your traffic study. It
10 does have an effect even on the intersections within the County.

11
12 Councilmember Silverman,

13 Well, I guess my question is this, If we included intersections outside Montgomery
14 County is the Planning Board going to incorporate into the requirements for the
15 Montgomery County development the numbers that they'll get from an intersection
16 outside of the County? In other words this could be done for informational purposes as
17 in, "You know, if it's right on the border we ought to find out if there is some impact on
18 the adjacent jurisdiction." That may have merits one way or the other but that's very
19 different if it's just informational than, "Oh, by the way, you don't pass go, because you
20 pass three intersections you fail the fourth, the fourth one happens to be outside of the
21 County." That's my question, is would you have authority if the traffic study looked at
22 intersections outside of the County to in effect, reject -- yeah, say no, reject, or require
23 additional improvements of some kind or traffic mitigation for a project inside
24 Montgomery County?

25
26 Dan Hardy,

27 Not from a regulatory perspective. Now the challenge is, is there value in the
28 information. We had assumed that the word "excepting" would be the intent of the
29 Council. What we wanted to do was to clarify that.

30
31 Councilmember Floreen,

32 So why would we ask for it if we can't do anything about it?

33
34 Dan Hardy,

35 Well, again yesterday, the one case we discussed at length, the criteria was that we did
36 not go one intersection to the east to a signalized intersection in the next jurisdiction,
37 which raised the question in our minds.

38
39 Council President Perez,

40 Ms. Praisner.

41
42 Councilmember Praisner,

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1 That wasn't my criteria. My criteria is that you didn't go to Galloway Drive, which is a
2 three-way stop sign immediately to the east of that development, where all of the traffic
3 and congestion comes up Galloway and turns to go onto -- and the traffic coming
4 through. That was my critique, it didn't have to do with the signalized intersection. There
5 is no signalized intersection until you're in Prince George's County on that issue. My
6 concern and comment here is that there are a number of parcels and developments that
7 sit on the County line. That they are either both in Prince George's or Montgomery
8 County -- those are the ones I know best -- or pretty darn close. And the issue of
9 knowing what the traffic is in the immediate area in order to understand and look at
10 what improvements there might be or need to be is an important function to understand.
11 I'm not suggesting that you count it or require it from a standpoint of saying you can't go
12 forward unless you fix this intersection in Prince George's County. But there maybe
13 developments that are both Prince George's and Montgomery where the improvements
14 that you are requiring jointly with the other jurisdiction or accepted by the other
15 jurisdiction is in Prince George's County. That's the reality that Park and Planning
16 continues to ignore of the dynamics of living on the County line or near the County line.
17 The reality is it's more complex than just looking in one direction, you have to look in all.
18 And if you can get cooperation from Prince George's County and they support it, why
19 not have the developer build the turn in Prince George's County? It might help folks in
20 Montgomery.

21
22 Derick Berlage,

23 We have no objection to having this information available before the Board. We have no
24 reason to think that under the current setup that we would have any realistic ability to
25 get an improvement. Is it impossible that that might occur? I guess I can't say that it's
26 impossible. But, frankly, we don't have a strong view on this issue one way or the other.
27 We're happy to follow the Council's will.

28
29 Councilmember Silverman,

30 I'm going to second Nancy's notion because if the Board had no authority to do anything
31 then I'm not sure what it produces. Then somebody could say Prince George's folks you
32 out to do something about the intersection but who would be doing that? I guess if we
33 can't, well I mean, but Prince George's can't require a developer who's doing a project
34 in Montgomery County to be doing anything I mean, this is a piece of information for
35 information sake which cannot be used in connection with the development that is
36 before the Planning Board. So I'll second it.

37
38 Council President Perez,

39 So a vote of yes is a vote to use the word "excepting." A vote of no is a vote to use the
40 word "including."

41
42 Councilmember Praisner,



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1 With the other language?

2

3 Council President Perez,

4 Correct, I'm just looking at those two words that's what is on the table right now.

5

6 Councilmember Praisner,

7 My point is it's not just "including."

8

9 Council President Perez,

10 Intersections outside of Montgomery County

11

12 Councilmember Praisner,

13 With those caveated language that doesn't require but could allow for the construction
14 with the approval of the other jurisdiction.

15

16 Council President Perez,

17 Correct. Gotcha. Okay. Moved and seconded. All of those in favor of Ms. Floreen's
18 motion that it would be... Mr. Denis, Ms. Floreen, Mr. Silverman, Mr. Knapp, Mr.

19 Leventhal, and myself. Opposed? Mr. Andrews and Ms. Praisner. Okay, anything else?

20 I see no lights, hurry up! Can we vote on? Can we -- we can just raise our hands. Great,
21 all those in favor of the Growth Management Policy, sometimes called the Annual
22 Growth Policy.

23

24 Councilmember Silverman,

25 You're voting against the Growth Management Policy?

26

27 Council President Perez,

28 Okay. Mr. Denis, Mr. Silverman.

29

30 Councilmember Silverman,

31 Point of order, Mr. President?

32

33 Council President Perez,

34 Yes.

35

36 Councilmember Silverman,

37 Would Dr. Orlin explained to us the consequences before we vote. My understanding is
38 that if we do not pass a Growth Management Policy then the existing policy stays in
39 place. Which means all of the efforts that have been made yesterday and in the
40 sessions before relating to tightening the LATR test and a variety of other things will not
41 be in place. We will have in place the existing system, is that correct, Dr. Orlin?

42



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1 Glenn Orlin,
2 That's correct, every odd numbered year the County Council must adopt by November
3 15th a growth policy to be effective until November 15th, two years later. If the County
4 Council does not adopt a new Growth Policy the Growth Policy adopted most recently
5 remains in effect.
6
7 Councilmember Silverman,
8 If I may, Mr. President, we don't normally have a policy of explaining votes but...
9
10 Council President Perez,
11 Well, we do have... People are certainly...
12
13 Councilmember Silverman,
14 This is the real vote.
15
16 Council President Perez,
17 That's why the straw man is there.
18
19 [laughter]
20
21 Councilmember Silverman,
22 Mr. President...
23
24 Council President Perez,
25 Yes, Mr. Silverman.
26
27 Councilmember Silverman,
28 You know it would be ironic if since we have spent the portion of the last year, or
29 whatever, beating up on what the Council did -- or some people have been beating up
30 on what the Council did two years ago. And here for those that don't like what the
31 Council did two years ago we are at least continuing to move what I would say in a
32 more positive direction, particularly as it relate toss local area review. So in effect what
33 we will be doing, and I guess I'd have to find this in here, Glenn, but all those -- yeah all
34 the critical...
35
36 Glenn Orlin,
37 Yeah, the bullets on page 1 of the...
38
39 Councilmember Silverman,
40 On page 19 which are all of these Policy Areas that we have tightened up the LATR
41 standards by. Like Aspen Hill and R&D Village and Cloverly and Olney and North
42 Potomac and Potomac and Clarksburg and the whole list we will effectively be allowing



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1 the development community to abide by the earlier numbers. So let's make it very clear
2 here what we're voting on if we don't vote on this policy, which is that developments in
3 all of these communities on page 19 will have an easier time than they would otherwise
4 by passing the policy. Which seems to me kind of inconsistent with those that are been
5 arguing that we should be tightening our standards, but that's just my opinion about
6 what we did. What other...

7
8 Glenn Orlin,

9 Well, the bullets on the cover memo. The bullets on the cover memo are the changes.

10
11 Councilmember Silverman,

12 Right, it also doesn't allow the next Council to get back the by October 1st the potential
13 Growth Policy Amendment issue which means that this Council will basically punt for
14 two years on this. Did we just change the name from [ADAC] to the Highway Mobility
15 Report? Is the previous policy...

16
17 Glenn Orlin,

18 It just changes the date to June 15th. I think it was September 15th before.

19
20 Councilmember Silverman,

21 And we don't expand the White Flint Policy Area either, which is part of what we
22 discussed about in terms of smart growth so -- so, there we are.

23
24 Council President Perez,

25 Just for those keeping score at home. We are having our final discussion of the Growth
26 Management Policy, formerly known as the Annual Growth Policy, which is neither
27 annual. And yesterday we took a straw vote, I think it was 6-3 in favor. Of course, a
28 straw vote implies that people are very much within their rights to reconsider and
29 change their mind. And that is completely within anyone's prerogative. I voted against it
30 yesterday because I, well, I keep talking about the name but that certainly is not the
31 reason. It implies that this is our policy that actually regulates growth. Actually the
32 conversation we're going to have on Shady Grove is going to do more to affect growth
33 and manage growth, in my opinion, than anything we're going to do in this Growth
34 Management Policy or Annual Growth Policy. The work we've done in other sector plan
35 has had a similar impact and I have been concerned about a policy that creates the
36 appearance of being a policy where in reality we have a schools test that is not really a
37 schools test. We've set up a test that everybody passes. And I'm -- a test that
38 everybody's passes it's not much of a test. So those have been among my concerns
39 that I'm a little bit, actually, I would observe that what has happened in over the last few
40 months in terms of our reactions and self-evaluations is going to do more to affect the
41 pace of growth and development than any document we will pass today and I think
42 that's the reality this document has been overtaken by events. And I do have a lingering

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1 concern about sending a message to the community that somehow we have one
2 document that manages growth in this County when in fact the document really is not
3 doing that and I don't think there is any document that we would come up with that
4 would do that. That's the concern I've had. I had two years ago, I continue to have it
5 now, and that's why I did what I did yesterday. Mr. Leventhal.

6
7 Councilmember Leventhal,

8 I listened with interest to your remarks, Mr. President, and I'm trying to understand when
9 you say there is no document that could do that, I certainly agree that growth is a
10 process involving many forces that are far beyond the control of local government. We
11 don't control how many babies people have. We don't control how many cars come into
12 the region from Howard or Frederick or D.C. or Prince George's or Pennsylvania or
13 West Virginia or Virginia or Delaware. So if you're point is that we are claiming to have
14 more power than indeed we have, I agree with that. We don't actually control growth.
15 We don't have the capacity to control growth.

16
17 Council President Perez,

18 I should have said there was no one document. Same point though.

19
20 Councilmember Leventhal,

21 I liked the term "Growth Management," because through the exercise of our land use
22 and zoning and approval powers we have -- we are one actor among many others in the
23 marketplace, so I'm not sure...

24
25 Council President Perez,

26 whispering: [INAUDIBLE] Knapp.

27
28 Councilmember Leventhal,

29 I'm actually addressing the President if I could get his attention.

30
31 Council President Perez,

32 Yes, I'm sorry.

33
34 Councilmember Leventhal,

35 So I guess I was...

36
37 Multiple Speakers,

38 [laughter]

39
40 Councilmember Leventhal,

41 I was a bit -- my eyebrows went up yesterday when my three colleagues voted against
42 the plan, because we have for whatever -- we have inherited -- you and I are both new,



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1 and we have inherited a statutory framework that calls on us to give guidance to the
2 Planning Board that it will use in determining when and whether it will grant approvals
3 based on certain formulas that we dictate. And it seemed to me yesterday that some of
4 my colleagues wanted place the onus on the majority of the Council for being at fault for
5 whatever the marketplace creates. The traffic, the things that make people angry about
6 living here, the crowded schools, et cetera, it's not the minority's fault because they
7 voted against the Growth Policy, suggesting that the majority that in fact went along with
8 the statutory mandate that we adopt a policy were responsible for the problems. What I
9 see here is that two -- at least -- of my colleagues have sort of decided to turn that on its
10 ear and say "Well, none of us will take any responsibility, we just won't have a policy
11 and we'll just see what happens." So my vote for the Growth Policy has not been a vote
12 in favor of everything that is happening in Montgomery County to make people loose
13 their temper. I'm not in favor of traffic, I'm not in favor of overcrowded schools. I do
14 recognize as an elected official in the county there is a policymaking framework that I'm
15 a part of and that it's easier to vote in the minority and blame the majority for the
16 problem. I've elected not to do that. It seems as though now a majority of the Council
17 wants to throw up their hands and say "Ah, nah, problems, there're problems, they're not
18 our fault, their someone else's fault." And if that's where we end up, that's not what my
19 vote will be. I have consistently voted for having a policy, because it seems to me that's
20 part of my responsibility as a Councilmember. I don't have to be 100% satisfied with
21 everything in it. But every other year it falls to us to give some guidance of some kind to
22 the Planning Board.

23
24 Council President Perez,
25 Ms. Praisner.

26
27 Councilmember Praisner,
28 Well, we did take a straw vote in order to permit staff to draw the resolution and put the
29 final language and to indicate what the majority of the Council wanted. I voted no
30 yesterday on the Annual Growth Policy although I participated in and took votes on
31 different subsets of the Annual -- or the Growth Management Policy, There I go again,
32 we should put a little pot over there in the corner and folks can put nickels in along with
33 Howie's cell phone. I have not or tried very hard not to characterize anyone's vote as we
34 have gone through this process. I also made no hesitancy though of saying I had a
35 problem two years ago with the changes that we made. I think that my effort this year
36 was to try to improve on what I thought was not a good policy and that's the process in
37 which I engaged and will continue to engage on this Council. But I have to look at the
38 overall document when I'm done. And the overall document is based on a premise that I
39 have a concern about that just strengthening Local Area Review or focusing on Local
40 Area Review is an adequate substitute for the Policy Area processes that we've used.
41 And I -- I just can't get there. I've tried to make amendments and suggestions. Won
42 some, lost others within the process. To suggest that Councilmembers cannot engage



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1 in that and still at the end have fundamental problems with the framework in which we
2 start is I think unfair. To have gone through this whole process yesterday and taken a
3 vote on the overall document and concepts, take a straw vote of 6-3 and then tell staff
4 to go to work and come back and then throw the whole thing out is also I think, unfair. I
5 am not accusing anyone of anything. All I'm suggesting is that the change that was
6 made two years ago I have a fundamental problem with. And I'm trying to improve on it
7 but yet continue to have that fundamental problem. Yes, this makes it a little better and
8 we should strive to make it a little better but the premise overall is one that I continue to
9 have concerns with. Policy Area Review or looking at the bigger picture and looking at
10 those impacts on it is not within the framework and I must say looking at parts of the
11 area of the County where impacts are not controlled, perhaps, because they're outside
12 of the County but are significantly impacted and how we deal with those issues
13 collectively and how we look at the impacts is a major issue for me. But the suggestion
14 that we should tell staff to go away and take a straw vote on it, go away and then sleep
15 on it and come back and change completely the votes is something that really hasn't
16 been the way we have operated in the past and it's unfortunate.

17
18 Council President Perez,
19 Ms. Floreen.

20
21 Councilmember Floreen,
22 Thank you, well, I think we did the right thing two years ago. We eliminated problems
23 that made for an irresponsible program that sent a message that wasn't delivered upon
24 and I think that the Committee recommendation that came through to the full Council
25 was fair, was balanced, was subject to a lot of public vetting and involvement. We had a
26 good public debate and, sure, we agreed on things and we disagreed on things, but we
27 came out, I thought, with a pretty balanced plan. In the past week or so it's been more
28 or less -- we have added all of these promises that I don't think we really intend to
29 deliver. It's a feel good document now. I don't think it's responsible and I don't think it
30 gives clear direction to anybody about what this Council intends to do about growth.
31 Let's have the rules in place more time to evolve before we start revising things without
32 significant public input and staff analysis. We haven't done it now and what we have
33 now is a document that makes a lot of promises but really doesn't deliver.

34
35 Council President Perez,
36 Mr. Knapp.

37
38 Councilmember Knapp,
39 Thank you, Mr. President. Upon reflection last night, and it wasn't a lot of reflection, but
40 looking at the points I have made over the course of the last couple of weeks we have
41 discussed this we have done very little, quiet honestly. I wasn't thrilled where we got to
42 two years ago. I don't think we made significant modifications to that really. Even the

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1 improvements we've made to Local Area Review were called the 5 second solution
2 yesterday. One of the things we continue to do in this County, which I continue to be
3 amazingly frustrated by is perpetuate the discussion of growth versus no growth, as if
4 somehow we sit on high and make all of these great decisions so we control all of these
5 pieces. As we continue to have this debate we perpetuate this notion, we continue to
6 have the discussion that somehow if you vote for this you're for growth, if you vote
7 against it you're against growth. The reality is none of that is true, and yet people will
8 walk out of this room later today and say somehow that whichever way you voted will
9 contribute to whether you are not solidly for growth or solidly against growth. I think
10 that's unrealistic, and I think that we continue to build that perception and I don't want to
11 do that anymore. I think we have done little to really modify much from where we were
12 two months ago. And while I don't think that was a great policy, I don't think we have
13 done much to move beyond it that I think is that significant, so I'm comfortable in voting
14 against it this time.

15
16 Council President Perez,
17 Mr. Subin.

18
19 Councilmember Subin,
20 Innately not having the ability to reflect I didn't reflect last night...

21
22 Multiple Speakers,
23 [laughter]

24
25 Councilmember Subin,
26 ...so I will react viscerally, the same way that I reacted yesterday morning. I voted for
27 the new policy two years because I was convinced then, I am as convinced now that
28 Policy Area Review is not a good test. There is too much beyond our control that
29 probably has a greater impact on the Policy Area than we can do, however the Local
30 Area Review we do have greater ability. The test that was passed on a straw vote
31 yesterday tightens that test. It is a much better test and I believe it was improved.
32 Whether one likes it or not, all changes normally in any public body or legislative body
33 are incremental. That's just the nature of the beast. This was an incremental change
34 that puts us moving in the right direction and allows us more time to see what works and
35 what doesn't work. I believe it was the right thing to do; I did yesterday and I do today
36 and so I will vote for this new tighter policy.

37
38 Council President Perez,
39 Mr. Andrews.

40
41 Councilmember Andrews,



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1 Thank you, well the changes that the Council adopted two years ago were in no way
2 incremental, the Council eliminated the Policy Area Review. Certainly that was not an
3 incremental change, it was gone after the Council got a hold of the Growth Policy two
4 years ago. It had been in place for a long time. This policy, that passed on a straw vote
5 6-3 yesterday would have continued having no Policy Area traffic test and that is a huge
6 weakness in the plan and it will continue to be one until the Council addresses it. As I
7 said earlier this policy also does not limit what can occur in terms of congestion at Metro
8 Station areas, there's no upper limit on the congestion levels at intersections in Metro
9 Station Policy Areas. That is a huge shortcoming as well. And those are not small
10 things. The Policy Area Review which was the traffic test looking at development, the
11 traffic impacted development outside of the immediate area which we all know occurs
12 needs to be mitigated as well and it's not being mitigated because two years ago a
13 majority of the Council voted to eliminate it.

14
15 Councilmember Silverman,

16 Well, I'm not suggesting I'm going to end this discussion but I started it. I guess a couple
17 of comments the first thing is that two years ago we had a knockdown-dragout battle
18 over Growth Management Policy starting with the one percent solution which found --
19 from the Planning Board, which I believe found zero support, to then a debate about
20 whether we would change the Growth Management Policy by getting rid of Policy Area
21 Review, by implementing a impact tax, by tightening up Local Area Review, and that is
22 what the Council ended up adopting two years ago. In fact I -- the specter two years ago
23 if I recall some of the comments that were made was that eliminating Policy Area
24 Review would open up the floodgates to development. Particularly in places like
25 Fairland/White Oak which had been in moratorium for 19 years. There were and I don't
26 have the exact number but I think there were 212 housing units that were built in the
27 Fairland/White Oak Policy Area last year. Out of a base of 27,000. Not exactly opening
28 up the floodgates. In fact, as I think I pointed out at the beginning of this whole
29 discussion on the Growth Policy last week in fact the difference between the Growth
30 Management Policy that we had in place two years ago and the change that we made
31 ism, in fact, completely incremental. It's the difference between 1.45% or 1.17% growth
32 rate in this County. It's about as incremental as it gets. Even the 1% solution that the
33 Planning Board had suggested would have ended up with a difference of 700 houses
34 that would not have been built had we adopted that policy two years ago. That's the
35 difference. We have a Growth Management Policy in this County. We've had it for 20
36 years. The data is crystal clear. Every year going back over the last 10, 15, 20 years,
37 the percentage of housing units keeps going down. And that is a testament to the fact
38 that we are not supporting runaway development in this County. We are unfortunately
39 having a continuing debate about something that is truly at the margins, but here's what
40 is not at the margins. This policy for those who seem to think that it's not worth passing,
41 if it doesn't pass we will have no staging ceilings for jobs in the Bethesda Central
42 Business District. Mr. Perez's attempt to require transportation infrastructure staging



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1 plans for large developments so we don't have situations where roads are not built in a
2 timely manner within -- inside developments which is one of the lessons learned in
3 Clarksburg, well, that will not be required. We will not tighten the requirements of the
4 number of intersections to be studied, we will not require the submission back by
5 October 1st of the -- whatever it's called, Karl, your capacity metering solution, and we
6 will not tighten Local Area Review in those areas that I referenced a few minutes ago,
7 all of which are steps in the right direction of continuing to mitigate traffic congestion and
8 to continue to require individual developers on individual development projects to do
9 more than they're required to do now. I'm not going to get on a soap box. It's always
10 frustrating to vote for amendments knowing that at the end of the day that the sponsors
11 of those amendments have no intention of voting for the Growth Management Policy.
12 But I voted for all of those amendments because I believe they are consistent with what
13 we started doing two years ago, which is to get down to the street level and see that
14 development that is occurring in Montgomery County pays its fair share and continues
15 to be responsible in terms of traffic mitigation. With respect to the fact that there is no
16 test -- no cap on the Critical Lane Volume in our Metro Station Policy Areas, with all due
17 respect to my colleague down the aisle I would suspect that had we even adopted that
18 that a position of 9 majority of the Council would still be not to adopt a Growth
19 Management Policy. I would say it's disappointing for us to have spent all of this time
20 and the Planning Board spend all of its time for the last year to end up essentially in
21 something that could have been resolved by saying, "Hey, let's keep in place what we
22 had two years ago and spend all of our time working on transportation plans."

23
24 Council President Perez,
25 Mr. Andrews.

26
27 Councilmember Andrews,
28 Thank you. With all due respect the difference between a 1% increase and a 1.5%
29 increase is not a small difference when you're looking at a base of nearly a million
30 people. A 1% increase on a base of a million people is 10,000. A 1.5% increase is
31 15,000. It's a 50% difference between the two numbers so it's important to look at raw
32 numbers as well as percentages and recognize that those are significant differences
33 especially when they occur year after year. They compound.

34
35 Councilmember Silverman,
36 Mr. President, I apologize but I really am not going to let things slide. I don't know where
37 Mr. Andrews gets his numbers on. But here is what we're actually voting on. We're
38 voting on a -- or not voting to support -- we're voting on a policy that talks about 700
39 houses. That's the different in terms of the approval. We're talking about 10,000 people
40 versus 15,000 people, we're talking about 700 houses. Whatever the average, you
41 know, new home has in terms of people, I guess you could use those kind of numbers,
42 but it's important that we get our facts correct, because when I heard two years ago the



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1 floodgates were going to be open and we were going to return back to the '80s with
2 10,000 housing units being built a year which is what happened 20 years ago. I had
3 concern about that, but I didn't believe that is what would actually happen by our policy
4 change. Guess what, it didn't happen. It's 700 houses. Let's make sure we get our facts
5 correct.

6
7 Council President Perez,
8 Mr. Faden, Dr. Orlin, is there anything that -- if this does not pass -- anything that
9 prevents me from introducing the amendment that I offered as, a I don't know if it would
10 be a subdivision amendment or some other legislative provision?

11
12 Mike Faden,
13 Yes that can be done.

14
15 Council President Perez,
16 Okay. Okay. I think we have exhausted this topic, not to mention ourselves, so all of
17 those in favor of the Growth Management Policy? Mr. Denis Mr. Subin, Mr. Silverman,
18 Mr. Leventhal. Opposed? Ms. Floreen, Mr. Knapp, Mr. Andrews, Ms. Praisner, myself. It
19 fails 4-5. Back to Shady Grove. And where we left off was we had a discussion, if you
20 look at the handout here which says "CSP Relocation" on it we spent the last hour
21 talking about the County Service Park relocation, I think we had pretty much exhausted
22 the issues and so, is there anything left on that issue?

23
24 Councilmember Silverman,
25 I don't think so. I guess what I would suggest is a couple of things. Mr. Orlin is here and
26 if I may, well, I guess, all right go on. What I was going to say is if the appropriate time if
27 Mr. Andrews is going to be proposing an amendment that relates to traffic congestion
28 then I would like Mr. Orlin to explain to the Council what the difference is between the
29 between the two. The proposals that we have in place. Actually if I may, Mr. President,
30 get this over with, Glenn -- is it all right with you?

31
32 Marlene Michaelson,
33 The piece of paper I just handed out, Mr. Leventhal this morning asked for a list of what
34 the benefits were from the County Service Park in terms of dedications and so forth, so
35 this is a response to his question.

36
37 Councilmember Silverman,
38 Glenn, could you explain -- picking up on what Mr. Andrews had said this morning. As I
39 understand it unless someone is actually going to propose going below the staff draft,
40 what is the difference in terms I'm trying to find this here. What is the difference in terms
41 of number of units -- oh, here it is -- the public hearing draft had 4,945 units with the
42 MPDU bonus. The recommendations from the Planning Board which were adopted by



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1 the PHED Committee are 6,340. So we have basically 1,400 unit differential. Can you
2 explain the consequences on that in terms of traffic congestion.

3
4 Glenn Orlin,

5 There is a different of about 1,400 in dwelling units, there's also a difference of about
6 2,100 in jobs. The way I looked at this first of all harkens back to the analysis that Park
7 and Planning did in the Supplemental Technical Information Report, where they
8 reported that the public hearing -- I'm sorry, the Planning Board's draft plan which the
9 PHED Committee's recommendation is very close to would say that about 10% of the
10 total amount of traffic at build-out in Shady Grove is associated with development that is
11 yet to occur in Shady Grove. That the rest of it, 71%, is through traffic, that's going to
12 happen anyway, whether it's on the Intercounty Connector crossing east to west or
13 Shady Grove Road going to 270, or 355 for people going between Gaithersburg and
14 Rockville, or whatever. 71% from that and another 19% of people who are going to --
15 already going to the Shady Grove area today, whether they're going to work there or
16 they're going to Metro. A lot of people are coming to the Shady Grove area just to get --
17 as commuters getting to the Metro Station, so we're dealing with the 10%. The public
18 hearing draft represents about 75% of the growth that the Planning Board draft or PHED
19 Committee recommendation did. If you look at the existing level of development in
20 Shady Grove and compare it to the build-out under the public hearing draft versus the
21 Planning Board's draft, the public hearing draft, about 75% of what the final draft is. So
22 that would tell me that the difference is about 2 or 3%. So it's 75% of the 10%. So, what
23 does that come down to? On a Critical Lane Volume basis it really differs from
24 intersection to intersection depending on how close you are to the development, and
25 fortunately, again, there is enough staff work done on this it that there is always a chart
26 to point to. The Planning Board did this in the Supplemental Report on page 51. There
27 is an analysis of what the ratio of the Critical Lane Volume is. This is not even the
28 Critical Lane Volume, this is a ratio of Critical Lane Volumes, the ration of Critical Lane
29 Volumes compared to the applicable standard is for these intersections and what shows
30 is, for example, at the 355/Gude interchange -- or intersection -- the public hearing draft
31 would have a volume to capacity ratio of 1.53. The Planning Board's draft plan or the
32 PHED Committee draft is 1.55. So it's about a -- in that case about 1.5% difference. For
33 other intersections some of them are closer, some of them are further apart. The one
34 that's furthest apart is the Shady Grove Road/Crabbs Branch Way intersection which
35 would be 92.92 volume to capacity ratio for the public hearing draft and 1.10 for the
36 Planning Board draft. And that makes sense because the difference in the growth levels
37 mostly is centered right there at the County Service Park. You would expect the biggest
38 difference there. But it frankly would have a relative minor difference because, again,
39 the overwhelming amount of traffic that's in Shady Grove in the future ,is through traffic
40 and traffic that's going there now.

41
42 Councilmember Silverman,



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1 Mr. President, what I suggest although, do we even have a quorum...

2
3 Council President Perez,
4 Yes, we do.

5
6 Councilmember Silverman,
7 ...is we have a Committee report and recommendations at this point I would suggest it
8 would be appropriate for any motions for amendments or substitutions, except I would
9 request that before we actually take a vote that you hit the quorum.

10
11 Council President Perez,
12 Yes, I would agree with that assessment.

13
14 Councilmember Silverman,
15 Okay, you want to do that now?

16
17 Council President Perez,
18 Yeah, I think we might want to -- these are important motions I want -- I hope that
19 people can be here. Can you hit that button? Oh, you already did.

20
21 [laughter]

22
23 Council President Perez,
24 Good, Radar O'Reilly, all ready hit it. You have a fast wrist. Okay, Mr. Andrews has his
25 light on.

26
27 Councilmember Andrews,
28 Thank you, Mr. President. We have all heard the concern in the community that
29 developments go up before the roads are built to serve them. The purpose of this
30 amendment -- and I'm proposing it regardless of whether the amount approved is 4,000
31 or 6,300 -- is to tie this intersection improvement, this interchange improvement, this
32 grade-separated interchange at 355 and Gude Drive, to a stage of the Shady Grove
33 Sector Plan, so that by stage 2, which would be triggered at 2,540 units, the grade-
34 separated interchange at Gude Drive and 355, which is a failing intersection now,
35 approximately 25% over capacity, and projected to go up from there to about 50% by
36 2025, would be tied to the building at Shady Grove. It would be -- the amendment
37 specifically says as a condition of proceeding beyond stage one and beginning of stage
38 2 that the Maryland 355/Gude Drive interchange would be funded for completion within
39 the first four years of the Consolidated Transportation Program or the Capital
40 Improvements Program. Otherwise, it will be many, many years before this intersection
41 is improved to a level that is not failing. This is going to be one of the key intersections.
42 Probably the key intersection that will be impacted by growth at Shady Grove because it



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1 is about a mile south of the development and is the direction in which most of the
2 residents will be heading, or many of them for sure, as they leave their development.
3 That's the pattern now that will continue most likely to be the pattern. If we don't act on
4 this amendment, then, that intersection will remain in a failing condition for many years.
5 Let me ask Mr. Orlin, what his estimate is and it is currently not in the state construction
6 list. I would like to ask Mr. Orlin what his estimate is if left to -- if nothing changes from
7 where we are now, when that grade-separated interchange might be funded by the
8 state. What is your best estimate?

9
10 Glenn Orlin,

11 Well, I would say the most optimistic is 10 years, more likely something like 15 or
12 longer. Just to give you the reason why I'm saying that, for a State project of this size to
13 be done it typically takes 2 to 3 years to construct. Usually a year or two to buy land for
14 it, a couple years for design. So you're talking about 6 years there, and there is a project
15 planning process which haven't even begun yet which would take 3 to 4 years. This is
16 on your priority list to be added to project planning -- bear with me a minute -- I think it's
17 number 2 or 3 on the list of projects to be added to project planning but the state hasn't
18 added a project to project planning for years. So unless they suddenly get into a mode
19 to pick up the transportation program again in Montgomery County -- oh, wrong letter --
20 it's hard to say when that's going to happen. So the key point is when they would
21 include the project for project planning, once that starts then you can probably say
22 about 10 years from that point.

23
24 Councilmember Andrews,

25 And as everyone knows, we can't control what the State does, but we can by taking this
26 action, ensure that we don't continue a situation indefinitely where this intersection
27 remains in a failing condition, and that is the benefit of doing this. If we allow the current
28 situation to continue, if we don't adopt this amendment, then in my view we are
29 consigning the good folks of Rockville and Gaithersburg and Derwood to gridlock on
30 355 for many years. And so I make the amendment.

31
32 Council President Perez,

33 I'll second it. Dr. Orlin can you refresh our memory on what 355 and Gude Drive
34 currently is in terms of -- Councilmember Andrews said it was a failing grade right now --
35 what is it currently, and what are the projections under each stage? I know it was
36 somewhere in this packet here.

37
38 Glenn Orlin,

39 It's back on that magic page 50 in the Supplemental Report that Dan just pointed out.
40 It's currently 27% over capacity and it's projected to be...

41
42 Council President Perez,



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1 I'm sorry, could you say that again?

2
3 Glenn Orlin,
4 It's 27% over capacity...

5
6 Council President Perez,
7 Right now?

8
9 Glenn Orlin,
10 Right now -- actually as of the count last taken for this which was maybe a couple years
11 ago, so 27, 30% over capacity. And it's projected by 2025 to be either 53% or 55% over
12 capacity, depending upon what happens with the Shady Grove plan. So it's a need
13 either way. Whether the Shady Grove master plan is approved or rejected. If nothing
14 happens in Shady Grove it's needed.

15
16 Council President Perez,
17 Mr. Leventhal was first.

18
19 Councilmember Leventhal,
20 Glenn, can you remind us where this intersection is on the list of our priorities that we
21 just sent to the state?

22
23 Glenn Orlin,
24 Right, I'm going to find that list here. Here we go, got it. It's the -- we gave them a list of
25 projects we'd like to see them add to project planning. It's fourth on that list. The first is
26 the George Avenue reconstruction at Montgomery Hills. The second is the Rockville
27 Pike/Cedar Lane interchange. The third is the Mid-County Highway extended from the
28 ICC to Shady Grove Road and the fourth is this one. There are 8 more after that.

29
30 Councilmember Leventhal,
31 Can I get a brief description, either from Glenn or Marlene, of what are the road
32 improvements that are contained in the Committee's recommendation. What did we do
33 to improve mobility in this plan?

34
35 Glenn Orlin,
36 Well the plan, there are lots of specific improvements in the plan which has to be done
37 by build out but for the staging plan, it has a couple of things which really don't exist in
38 any other plan, this is from the PHED Committee's recommendation. One is it requires
39 that at the end of each stage that you can't proceed to the next stage unless the
40 intersections are no worse than the standard, which is 1,800 or 1,550 if you're in
41 Derwood, or if it's higher than that, what it is today. I don't know what it is exactly if
42 terms of Critical Lane Volume at Gude Drive and 355, but let's say it was 1,900. What



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1 that would mean is that before you could go to stage two that intersection can't be
2 operating worse than 1,900. That's what the PHED Committee recommendation is.

3
4 Councilmember Leventhal,
5 And that's through mitigation?

6
7 Glenn Orlin,
8 Through either a combination of traffic mitigation or adding capacity at the intersection
9 by adding turn lanes, but not necessarily as much as building an interchange.

10
11 Councilmember Leventhal,
12 We're not widening any roads in this plan?

13
14 Glenn Orlin,
15 In the plan itself you're adding -- you're making intersection improvements, you're
16 adding some turn lanes, but I don't believe that...

17
18 Karen Kumm Morris,
19 Yes, we are, we're turning Redland Road and Crabbs Branch Road into boulevards.
20 Which in effect is a slightly widening. Right now they're four lanes and a boulevard take
21 more right-of-way to do that. So, technically it's capacity is the same but turning it into a
22 pedestrian friendly street.

23
24 Councilmember Leventhal,
25 Nicer to walk down but doesn't do anything for cars.

26
27 Dan Hardy,
28 Certainly the plan has other capacity improvements though. Certainly it has a piece of
29 the Intercounty Connector, a segment of the Mid-County Highway extended to join the
30 Intercounty Connector, it has this recommended interchange, has a recommended
31 partial interchange with the Metro Access Roadway and Crabbs Branch Way. I believe
32 there are four separate intersection improvements that are not explicitly recommended
33 yet in the plan, but are identified as likely to be needed during the plan's time frame.

34
35 Councilmember Leventhal,
36 What would be the affect if Mr. Andrews' amendment were adopted? What would
37 happen to the length of time it would take to -- obviously it would delay the construction
38 of housing under the plan, but what is your best guess as to what that would mean?
39 How long -- If it's 10, 15 years, then stage 1 would proceed, how many units are in
40 stage one?

41
42 Karen Kumm Morris,



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1 In stage one we have 2,540 under -- with the County Service Park, and if that doesn't go
2 forward we have the second staging without the County Service Park, which is 1,570
3 units. We have two approaches to staging one with the relocation of the County Service
4 Park and one without.

5
6 Councilmember Leventhal,

7 So the affect of Mr. Andrews' amendment in fact would be that over the next decade, or
8 maybe longer, but we could guess that over the next decade you could build between
9 1,500 and 2,500 new units and not more within the next decade. And this is supposed
10 to be a 30-year plan? 20-year plan.

11
12 Glenn Orlin,

13 The other thing, the PHED Committee talked about at some point whether or not the
14 plan should be staged by WMATA capacity, Metro Rail capacity. And in the end they
15 decided not to recommend that because it would mean that the development of Shady
16 Grove would not be under the County's control at all, it would be under the decision-
17 making by WMATA. The same would be true here if, in fact, we were waiting for the
18 state to build the interchange. Now the County could pony up and build the interchange,
19 we're talking a 30 or \$40 million project at least. That's probably not very likely, but it's
20 plausible at least.

21
22 Councilmember Leventhal,

23 We are already -- in Glenmont we're already operating under some sort of staging
24 restriction that we're not going to redevelop Glenmont substantially until George Avenue
25 and Randolph Road intersection is completed. That's also a State project.

26
27 Glenn Orlin,

28 That's correct.

29
30 Councilmember Leventhal,

31 How many years from now is that expected in the future?

32
33 Glenn Orlin,

34 Well, that's much further ahead. The design of the project is almost finished. It's ready
35 to go to construction as soon as the state decides to put some money...

36
37 Councilmember Leventhal,

38 But that's still 5 to 7 years away.

39
40 Glenn Orlin,

41 No, if the State were to, this next CTP, put in the money for it it could be finished
42 probably within 3 years, because the -- maybe 4 -- because the design is virtually done.



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1 That takes a couple years right there. It's gone all through the project planning process
2 and design. right-of-way, I believe, it's actually going to begin, right-of-way acquisition.
3 But there is no money to construct it.

4
5 Councilmember Leventhal,
6 But you could make the case that Mr. Andrews' proposal is with what is already done in
7 a Metro Station Policy Area at Glenmont.

8
9 Glenn Orlin,
10 Yeah, yes, you can.

11
12 Council President Perez,
13 Mr. Knapp was next, and Ms. Praisner, and then Mr. Subin. But he's not here. Okay,
14 thank you, Mr. Knapp. Ms. Praisner.

15
16 Councilmember Praisner,
17 Actually Mr. Leventhal was sort of where I was with the question. I wasn't sure what the
18 language was in Glenmont and what the references were in Glenmont, because the
19 only concern I have relates to the timing in the CTP. I don't remember specific language
20 about first four years, and also, I don't remember any reference to the County's Capital
21 Budget -- CIP.

22
23 Glenn Orlin,
24 For Glenmont, you mean?

25
26 Councilmember Praisner,
27 Yeah.

28
29 Glenn Orlin,
30 I'd have to go back and check.

31
32 Councilmember Praisner,
33 I'd love to have that information before we vote on this because my concern is -- well,
34 the one concern -- philosophically I understand what Mr. Andrews is trying to do and I'm
35 not necessarily opposed, but I'm concerned about unintended consequences of impacts
36 on other projects that are close to moving forward that would not -- would all of the
37 sudden find themselves at the bottom of the queue in order to do this, because of the
38 impacts an the attractiveness of County wanting to move forward. And one of the
39 problems I have with the CTP is that we move the deck chairs around and don't
40 necessarily get funding. The other concern and the major concern I have is the
41 reference to the County's operating budget. We have gone down that road of forward
42 funding, mostly in school construction, but of forward funding in transportation as well.



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1 Not on my lifetime on the Council, but before that by funding Georgia Avenue. And I
2 don't remember if ever, any discussion about repayments, and so given what the state
3 has done on highway transportation money, where they have looked at the highway
4 transportation funds for local government as a source of revenue to solve problems, and
5 there being a cycle to this, what I'm worried about is inclusion of the Capital
6 Improvements Program and the assumptions that "Oh, okay they're off the hook
7 because we can fund it if we really want it. And if we fund it it's going to be at the
8 expense of something else that is our responsibility and we have yet to get paid back for
9 Georgia Avenue, as I recall. That's my concern. I would like to see the language as it
10 relate to the Wheaton/Glenmont and the staging on that interchange to try to look at
11 parallel kinds of language. So I'm -- I don't really want to vote until I know the different
12 parallels on that, and I'm concerned about and don't support including the County's
13 money and this equation.

14
15 Councilmember Andrews,
16 Yeah, I understand your concern, that was to allow flexibility, but I would not object to
17 limiting it to the Consolidated Transportation Program.

18
19 Councilmember Praisner,
20 I still have my question though, so...

21
22 Council President Perez,
23 Mr. Subin.

24
25 Councilmember Subin,
26 Well, add one more to the list of where the State says, "Well, we don't need to give it to
27 you because..." This is going to take whatever chances we may have had to move this
28 up away. Ms. Praisner is right. I can't remember if we were the crew that funded
29 Georgia Avenue, but that was the last one because Bruce Adams and I drafted a
30 resolution that said "No more." Outside of schools there would be no forward funding of
31 state projects. And so I would hope that even if this passes that we wouldn't forward
32 fund 355/Gude Drive. Now, that said, this is something that needed to be done now.
33 This is something that needed to be done several years ago. With or without Shady
34 Grove. With or without stage one. With or without moving forward to stage two. And the
35 frosting was put on that cake with the opening of 28/198, where once again we make it
36 so that folks coming in to this County where we have no control are now going to be the
37 ones who are going to take up most of those 5 or 6 or 7 seconds that Mr. Silverman was
38 talking about yesterday. This would be another self-inflicted wound. We have done
39 enough of those. The state is not friendly to us and looks for any excuse. This is just
40 one more of those excuses.

41
42 Council President Perez,



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1 Mr. Knapp.

2
3 Councilmember Knapp,

4 Thank you Mr. President. I apologize, I don't think this question has been asked yet, but
5 the question I would have is why this intersection? Is this the most over burdened
6 intersection, and so this is the one that would alleviate the most issue or is -- how did
7 you pick this one?

8
9 Councilmember Andrews,

10 This is an intersection that is already failing, it's an intersection that will receive a great
11 deal of the additional traffic that will be generated by the Shady Grove Metro
12 development. It is also of the two intersections that are most problematic, this and Mid-
13 County and Shady Grove Road, this one can handle a grade-separated interchange
14 where the other one would be extremely disruptive. This one can be done by extending
15 the bridge that currently goes over Metro tracks over, so it's already been evaluated as
16 a reasonable project.

17
18 Councilmember Knapp,

19 And, Dr. Orlin, you said this is probably a 30 to \$40 million project?

20
21 Glenn Orlin,

22 Probably more than that. The problem is by the time we get to it it's going to be 10 to 15
23 years from now, so I don't know what the construction cost estimates will be then. I don't
24 think it will be as expensive as the Glenmont interchange because you're not talking
25 about burying the road as you are -- that's putting Randolph Road under Georgia
26 Avenue. But you're talking about close tolerances to some properties. You actually
27 heard testimony from some of the folks in the audience representing the auto
28 dealerships worry about the design of the interchange and taking property from them.
29 So that would be expensive from a right-of-way standpoint. But I guess if I were to
30 hazards a guess in today's dollars probably 30 to \$40 million range.

31
32 Councilmember Knapp,

33 What other projects do we have that are included in that pass that this would likely take
34 -- if we were to fund that much for this type -- for this project that would necessarily pull
35 resources away from others. Just so we know what the tradeoffs are.

36
37 Glenn Orlin,

38 Well the tradeoffs -- again, you're talking about the state, so you're talking about what
39 they would do in doing this interchange versus what you would have them do for others.
40 And they'll go by -- well, at least they say they'll go by our priority lists. And so, if this
41 were to kick it further up the priority list maybe they would start project planning sooner
42 but it doesn't go anywhere unless they put it into project planning. You have other



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1 projects, again, I'm going to repeat them again, that have always been high priorities for
2 the Council. Georgia Avenue reconstruction, Montgomery Hills, the Rockville
3 Pike/Cedar Lane interchange, and connecting Mid-County Highway from Shady Grove
4 Road into the Intercounty Connector. You could accelerate Frederick/Shady Grove
5 Road -- Frederick Road/355/Gude Drive up to the top of the list even, and until the state
6 decides it's going to accept it for project planning that's when your -- let's call it a 10-
7 year, 12-year clock starts -- a 10-year clock starts.

8
9 Councilmember Knapp,

10 The only way to address this is for the state to undertake this.

11
12 Glenn Orlin,

13 The other possibilities are the County could do it as its own project, Ms. Praisner is
14 shaking her head on that, and I can understand why, and the third, put it on them.

15
16 Councilmember Knapp,

17 Them who?

18
19 Glenn Orlin,

20 The developers, they're not going to be happy to pay 30, \$40 million interchange either,
21 but as long as the interchange were done, if this were a condition, you would meet the
22 conditions really.

23
24 Councilmember Silverman,

25 Any calculations on the price of housing, Glenn?

26
27 Glenn Orlin,

28 They haven't done that.

29
30 Councilmember Knapp,

31 From an impact tax perspective how much do we think we would generate from impact
32 taxes in the Shady Grove Sector Area -- transportation?

33
34 Glenn Orlin,

35 I don't know, I don't know. Remember, if under the -- in the Shady Grove Metro Station
36 Area you pay half of the impact tax, although if you go under the alternative route
37 procedure you pay essentially a full impact tax. I just haven't a good answer. It wouldn't
38 pay for this, I can tell you that.

39
40 Councilmember Knapp,

41 No, I was just curious how much that could get you toward it. I am intrigued by this. I
42 don't know that this is necessarily the right way. The concern I've had all the way with



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1 this plan has been that we don't have additional capacity, transportation capacity, to
2 kind of address any of the additional growth that we're liable to see. Unless we have a
3 tight staging requirement you're going to have bigger problems before we ever see real
4 improvements. So, I'm not sure that this particular -- to fund this specific project is
5 necessarily the way to go, although I think that conceptually to do some things like this
6 are probably what we need to approach to come up with a \$40 million project it's the
7 only way to proceed. I'm not sure if that's the most realistic way to get there. But I
8 appreciate the sponsors' efforts in this regard.

9
10 Dan Hardy,

11 I'd just like to interject, Marlene brought the Glenmont Sector Plan. It actually says
12 "Stage 2 will delay other development until either a grade-separated interchange or
13 other transit or transportation improvement is provided that makes the intersection of
14 Randolph Road and Georgia Avenue function at an acceptable level."

15
16 Council President Perez,

17 Are you done, Mr. Knapp? Okay. Ms. Floreen.

18
19 Councilmember Floreen,

20 Thank you, well I guess I'm glad indeed that Mr. Andrews is going to be joining us in
21 Annapolis as we argue for our transportation funding for infrastructure in Montgomery
22 County, because the message here is that this is a critical part of our system as are --
23 what is it, the total number on the list, Glenn, how many billion dollars worth of projects
24 that have not been produced in Montgomery County to date that are State obligations?

25
26 Glenn Orlin,

27 \$4 billion. These are projects already in design, so the Georgia Avenue, Rockville Pike,
28 Cedar Lane, Mid-County Highway, 355, Gude and the others aren't included in that list.

29
30 Councilmember Floreen,

31 I'm sorry?

32
33 Glenn Orlin,

34 Are not included in that list.

35
36 Councilmember Floreen,

37 Right, right.

38
39 Glenn Orlin,

40 So it's 4 billion ahead of that.

41
42 Councilmember Floreen,



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1 The list is huge and the issue is achieving more funding for transportation initiatives.
2 The problem is when you're playing catch-up for many years the dollar amount
3 increases and in fact every year a project is delayed litigation is initiated or whatever we
4 add additional thousands or millions of dollars to the price tag. We have to get going on
5 all of these projects and I'm that this particular one has been identified. The problem is
6 that there are "X"-teen others that are equally worthy and important. And I don't think we
7 -- what we need to focus it on is what we can do on the County capital budget and how
8 we can get the state to come to the plate and satisfy its obligations most effectively. I
9 don't think the master plan approach is going to address it unless there is an equal
10 commitment to fighting the fight down in Annapolis and every level of government to
11 make sure that the funding comes through. I think we would all agree that there are a
12 long list of important priorities and few of us are willing to say that one takes a huge
13 precedence over the other, and certainly not to facilitate one particular project per se but
14 to address the County's needs as whole. So I'm glad that Phil is onboard on the
15 transportation plan, I'm just not sure this is the right place to put it. Thanks.

16
17 Council President Perez,
18 Mr. Silverman.

19
20 Councilmember Silverman,
21 Could you reread the Glenmont language?

22
23 Dan Hardy,
24 The language is page 82 of the plan. It says, "Stage 2 will delay all other"...

25
26 Councilmember Silverman,
27 Will what?

28
29 Dan Hardy,
30 ..."will delay all other new development until either a grade-separated interchange or
31 other transit or transportation improvement is provided that makes the intersection of
32 Randolph Road and Georgia Avenue function at a acceptable level."

33
34 Councilmember Silverman,
35 Well, I have a couple of questions. First of all what's -- I'll defer to anybody that knows
36 what it means -- but what is acceptable level?

37
38 Glenn Orlin,
39 1,800 Critical Lane Volume.

40
41 Council President Perez,
42 I was going to say that.



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1
2 Councilmember Silverman,
3 And there's the call. What is the Critical Lane Volume at 355 and Gude Drive?

4
5 Dan Hardy,
6 Well, the standard is lower or tighter at Maryland 355 and Gude Drive.

7
8 Councilmember Silverman,
9 What is it?

10
11 Dan Hardy,
12 The standard is 1,475 Critical Lane Volume, I can calculate the Critical Lane Volume.

13
14 Councilmember Silverman,
15 Well, what is it -- okay, and what are we at now?

16
17 Dan Hardy,
18 1.27 times 1,475. That's \$5.3 million, if I recall the math.

19
20 Multiple Speakers,
21 [laughter]

22
23 Dan Hardy,
24 1,873, confirmed.

25
26 Councilmember Silverman,
27 Okay, let me just ask this. The bullet above -- two above this says -- and you said this
28 very quietly, Glenn, but I want to understand -- It says "Each of the major intersections
29 in the Sector Plan area must operate at or better than it's respective Growth Policy
30 Local Area Transportation Review level standard or congestion level at the time of the
31 plan's adoption, which ever is greater. So, explain -- explain what this means, and what
32 does Mr. Andrews amendment do that the bullet that I just read doesn't already do?

33
34 Glenn Orlin,
35 The bullet would mean that if 1,873 is the current Critical Lane Volume that at the end of
36 stage one with all the development that is on the ground and approved and not yet built
37 would have to be operating at no less than 1,873.

38
39 Councilmember Silverman,
40 That's the bullet I just read?

41
42 Glenn Orlin,



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1 That's the bullet you just read, if it was worse than that then you couldn't proceed. But if
2 it's at 1,873 you can move to the second -- because you made it no worse for the first
3 phase. You have to meet all the other triggers, too, of course, including the traffic
4 mitigation one.

5
6 Councilmember Silverman,
7 Right, for the first stage. Okay and then with Mr. Andrews' amendment this would
8 basically say even if after stage one traffic had not gotten any worse at this intersection
9 there couldn't be a single job or a single housing unit more at Shady Grove until this
10 interchange was completed.

11
12 Glenn Orlin,
13 Until it was within 4 years of being completed.

14
15 Councilmember Silverman,
16 Right, I'm sorry, for completion within 4 years. Okay. Well, here's what I'm going to
17 suggest. I think that pushing the state to do more and creating more pressure on the
18 state for these things is a good idea. I don't see why we should treat this area and this
19 Metro Station Policy Area any different than we would treat Glenmont, so I'm going to
20 move as an amendment to Mr. Andrews' amendment the language that is contained in
21 the Glenmont plan.

22
23 Unidentified,
24 Second.

25
26 Councilmember Andrews,
27 I would like to clarify, that would effect allow you to get to the passing standard in
28 another way, correct?

29
30 Councilmember Silverman,
31 Other than the interchange itself.

32
33 Councilmember Andrews,
34 Yes, the Glenmont language would say either -- by stage 2 it has to be at a passing
35 level, I'm fine with that 'cause I'm interested in the result.

36
37 Councilmember Silverman,
38 I know what it would mean. It would mean what would be considered the Critical Lane
39 Volume at that point. It provides flexibility for us. For the whoever is in line to go through
40 stage 2 in terms of the development community. It allows them to pony up their dollars,
41 but it doesn't require the State to sign off on an interchange which only they can decide
42 -- whether we were going to fund it, the developer was going to fund, anybody -- it's in



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1 their -- it's their call as to whether that could move. The concern I have about the
2 amendment is not the goal, it's that it doesn't provide any flexibility to do in another way.

3
4 Councilmember Andrews,
5 That's fine I'm interested in the result not how we get there. I want to see this
6 intersection unclogged, and how we get there -- that's fine.

7
8 Councilmember Silverman,
9 I think that he's accepted that as a...

10
11 Council President Perez,
12 I think -- I think I heard him accept it, as well. Okay, Mr. Leventhal.

13
14 Councilmember Leventhal,
15 I do apologize, could we just -- could I rehear what it was that Mr. Andrews agreed to,
16 very briefly?

17
18 Councilmember Andrews,
19 Do you have the language, Dan?

20
21 Dan Hardy,
22 Sure. I think the operative language would be "Either a grade-separated interchange or
23 other transit or transportation improvement as provided that makes the intersection
24 function at an acceptable level" which here is a CLV of 1,475.

25
26 Councilmember Leventhal,
27 Uh-huh, and you've agreed to that?

28
29 Councilmember Andrews,
30 I accept it, yes.

31
32 Council President Perez,
33 Okay, I see no other lights, so as amended, all those in favor? Unanimous among those
34 present. Okay.

35
36 Councilmember Silverman,
37 What's next?

38
39 Council President Perez,
40 What is next? I was going to ask you that.

41
42 Councilmember Silverman,



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1 Other amendments or other suggestions. We still have a Committee report and a
2 proposal, what we're waiting for, are there other amendments?

3
4 Council President Perez,
5 Okay. Let me turn to Ms. Praisner and then Mr. Leventhal.

6
7 Councilmember Praisner,
8 I guess I have a question. I'm sorry I don't have a amendment, I have a question.

9
10 Council President Perez,
11 Sorry, only amendments.

12
13 Multiple Speakers,
14 [laughter]

15
16 Council President Perez,
17 No go ahead.

18
19 Councilmember Praisner,
20 The language in the -- I'm trying to think of the language in the master plan versus the
21 language in the zones. And I guess we'll deal with the Zoning Text Amendments next.
22 But as it relates to workforce housing in the master plan, are we -- because of the issue
23 of the schools impact, are we treating workforce housing the same way as we're treating
24 the -- we're not?

25
26 Multiple Speakers,
27 [laughter]

28
29 Councilmember Praisner,
30 As we're treating the TDR issue?

31
32 Karen Kumm Morris,
33 No, we're understanding that the workforce housing, again, was 10% of the market rate
34 which isn't additive, it's just 10%.

35
36 Councilmember Praisner,
37 I understand that, but we've had some discussions about workforce houses that
38 suggested that increases the height, increases, et cetera. I'm trying to understand how
39 the workforce housing issue is treated in this master plan as a addition to or as a
40 inclusion within the assumptions that we have already made.

41
42 Karen Kumm Morris,



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1 It's included within, I'm sorry.

2
3 Councilmember Praisner,
4 That's what I wanted to be clear about.

5
6 Council President Perez,
7 Mr. Leventhal.

8
9 Councilmember Leventhal,
10 Okay, well, It seems to me the affect of the amendment we just agreed to is likely to be
11 that the rate at which the new housing is constructed is substantially slower than had
12 the Andrews' amendment not been adopted. It's going to take some years, whether it's
13 the interchange or whatever other improvements, and that may then affect -- getting
14 back to my, the issue that I've been talking about earlier -- that may effect the response
15 rate on the RFP, if you can't bring the units online right away and you can't realize a
16 return on your investment right away, that may make the County Service Park less
17 desirable if you have to wait more years to bring the units online and sell them. No?
18 Why not?

19
20 Marlene Michaelson,
21 The County Service Park is within stage one to allow that to proceed before you have
22 this test.

23
24 Councilmember Leventhal,
25 It all gets done in stage 1?

26
27 Councilmember Silverman,
28 It could be done in stage 1. It was designed...

29
30 Councilmember Leventhal,
31 If you just did those -- if those were the first units you built.

32
33 Councilmember Silverman,
34 We also have language that says in the plan if I remember correctly -- all land use all
35 the time. I believe we have language in the plan that puts a two-year window of time for
36 there to be a decision made about the County Service Park. So the discussion that we
37 had in Committee is sort of a fish or cut bait on the County Service Park, which was that
38 it would get quote "decided" by the Executive and the Council if there was going to be
39 any movement forward within the first two years. And the issue anyway of Mr. Andrews'
40 amendment is -- does not in and of itself slow down moving to phase 2, it just sets
41 another trigger point to go to phase 2. Meaning the next -- whoever wants to build in
42 stage 2, could with that impediment there that we just supported could walk in and say,



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1 "I'm happy to either, A: pony up some of or all of the money, or, B: to go into some
2 significant traffic mitigation program to get the Critical Lane Volume down to the 1,475
3 number. So it doesn't necessarily delay decisions about the County Service Park or the
4 progress, it's really just a question of what the market does and what the Council and
5 Executive do.

6
7 Councilmember Leventhal,

8 Okay, I would like to understand where we stand with Scott Reilly's agreement to review
9 the -- to have the Executive Branch review the Gude Landfill because I'm still not clear
10 on the point I raised earlier about if we assume that the RFP process is already going
11 forward, I guess the Executive Branch is able to issue an RFP without the Council, they
12 can ask for proposals anytime they want to, but before a final agreement were reached
13 the Council would have to approve that. So...so -- I guess I'm not -- my concern is, as I
14 say -- what's that?

15
16 Councilmember Praisner,
17 Nothing, never mind.

18
19 Councilmember Leventhal,

20 My concern is that this RFP process happens and without any action by the Council we
21 get so far down the road the RFP is out there, there is one credible respondent. There
22 really is no choice but to accept the response. It's all done and then the Council comes
23 in at the last minute and says "Well, yeah, we have to ratify this because it's all done."

24
25 Marlene Michaelson,

26 Yeah, the -- you know, you do have a number of trigger points with additional decisions.
27 You're going to have a resolution most likely in January. It could be that you would say
28 before you approve the resolution you would like to see the response to this. You will
29 then have a Sectional Map Amendment that will do the rezoning, so you could ask that
30 certain things be provided by the time of the Sectional Map Amendment. It does sound
31 like you would want to put a date as to if you want to hear the response of whether it is
32 advisable to consider the Gude Landfill, or any other public sites, and ask for a report on
33 that before one of those further actions. They're not going to be able to start negotiating
34 with any landowner until they know what the zoning is and the densities on this land. So
35 these trigger points are very much connected to the future Council action.

36
37 Councilmember Leventhal,

38 The two areas where I have the greatest concern, and there may or may not be
39 ultimately be an answer to them. I've already gone in detail about my concerns about
40 the land swap. The second is related to the land swap, and that is whether for the
41 density that we are placing the return in terms of below market housing is what it might
42 be. Again, I understand that the economics are different. But, when we approved the

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1 Bowie Mill Site in the Olney master plan -- and I understand the land was free to the
2 developer, which it is not here -- we provided for a higher margin of affordable housing
3 than just the 15% MPDU amount. We've had this plan presented to us and the first
4 foundational case that was made was Chairman Berlage said to us that over the next
5 two decades 200,000 more people are going to be living in Montgomery County than
6 there are today and we've got to put them somewhere. Where are we going to put
7 them? We ought to put them at Metro, as many as we can. That's a major motivator, I
8 understand, behind the Planning Board's thinking here. The question we face as we talk
9 about telling our constituents who live in an area now that they're going to have to
10 accept a whole lot more new neighbors is what is our responsible as the County
11 Council, is it our responsibility to make sure that everyone who wants to live in
12 Montgomery County has a place to live regardless of what their resources are? Or is
13 our responsibility to ensure that everyone that doesn't have the resources to buy any
14 unit regardless of price, but whose incomes are limited and only has access to certain
15 units has a place to live? The basis which we have sold the argument for more housing
16 is we need more affordable housing, you don't get more affordable housing unless you
17 have more housing stock overall. And I have a question here for the Chairman, which is
18 do we see our role as providing for all 200,000 of those people, regardless of whether
19 they can provide for themselves without our help, or is in fact our mission more to
20 provide housing for those who cannot find housing without our help in Montgomery
21 County.

22
23 Derick Berlage,

24 Well, I think we've had a firmly established goal of wanting to create mixed income
25 communities. We want communities that have a range of incomes. And as the Shady
26 Grove plan has developed to date we have putting a large number of public benefits into
27 the mix. We are requiring a large number and a broad array of public benefits. MPDUs,
28 which we always require, workforce housing now on top of the MPDUs. TDRs are now
29 being required. And, of course, although we haven't talked about them, the usual array
30 of amenities of anyone doing this kind of urban development would have to provide,
31 streetscape, so forth, not to mention the parks that are in the plan, the school sites that
32 are in the plan, the absolutely state of the art urban design that we want to have in this
33 community, in terms of it being pedestrian oriented and attractive. So there are two
34 issues that you the Council need to think about when you decide how much of the
35 housing should be affordable. The two issues are, first, what is the mix of incomes that
36 you want? You want some market, you want some workforce, you want some MPDU,
37 and what is right mix? But clearly the more affordable housing you require, each one of
38 those affordable housing requirements is an additional cost of the development. And
39 there comes a tipping point at which the whole enterprise could become nonfeasible.
40 The Board is supportive of the 10% workforce housing, which on top of at least a
41 minimum of 12.5% MPDUs means that you have basically about a quarter of the project



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1 below market. That seems to us to be a pretty ambitious, but a pretty laudable goal. If
2 you go higher than that I don't know that you still have a feasible project.

3
4 Councilmember Leventhal,

5 Okay, the Council President is not here. Is it you're understanding. Mr. Chairman --
6 Chairman Silverman that this is our last chance to offer amendments before -- and then
7 next meeting will have final approval of the plan?

8
9 Councilmember Silverman,

10 That would be -- I'm sorry, that is what my understanding is what the Council President
11 wanted to do. He wanted to have straw votes today and move -- and then move to
12 January's, you know, resolutions, that that was his intent. I assume we can get him
13 back. If I may respond for a minute, Mr. Leventhal, in addition to what Mr. Berlage said,
14 we -- it's an interesting philosophical debate about when do you get to a point where
15 there's enough quote "affordable workforce housing" in terms of a public policy. No one
16 in this grand number of there is going to be 200,000 more people coming to
17 Montgomery County has ever said specifically so, what are their income levels going to
18 be? It's interesting because we're talking about an area that we heard from the
19 Adventist Healthcare folks about how much they were supportive of the housing in this
20 plan because of their nurses and other assorted folks that are now living outside of the
21 County. This is right at the entrance point to our biotech community where there have
22 historically been good paying jobs. If the plan would be or game plan would be well, we
23 ought to bump the number up of units in this mix that are quote "affordable" or
24 "workforce" there is a way to get there. The way to get there is that when there is a
25 proposal on the table, from -- assuming there ever is one -- from the County Executive,
26 you know, to say we're going to take some of the County owned land and that's there
27 and in affect swap it, sell it, or whatever. That would be an appropriate time to do the
28 number crunching and understand what it would cost to in effect buy down the cost of
29 units. That's what the Housing Initiative Fund is doing each and every day when the
30 [Gramics] Building which I know you're familiar with said, "Look, here is what the rents
31 are going to be but if the Housing Initiative Fund puts in \$3.4 million we can have 85%
32 of these rental apartments below market rate" that was a deal that was something that
33 everybody thought was a good deal for Montgomery County. You could -- without doing
34 sort of the number crunching you could end up being in exactly that same place with
35 regard to any development that comes to the table. Where you could have a would be
36 developer builder say to the County here is what I want to do, here is what the split is,
37 based on what the master plan is. But if the County says "We want to know what it will
38 cost to create another 5 or 10% MPDUs, or another 5 or 10 or 15% workforce housing,
39 there is a price tag on that. And it will be millions of dollars, but that will be the point at
40 which the Council and Executive could make a decision like the Housing Initiative Fund
41 decisions are made every year. The problem with doing it at this point in saying, "Well,
42 we want a higher number" is that we really have no idea how viable that is accept that



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1 the pushback that we've gotten, those of us that have been talking with people in private
2 sector and the Housing Opportunities Commission, about where that breakpoint is
3 that even putting a 10% workforce housing requirement in creating some challenges in
4 terms of the economics, but the bottom line is at least as far as the value of the County
5 Service Park land is concerned, this Council or the next Council can certainly say, "You
6 know, we don't think in the mix of this. You know it isn't enough to just get a new EMOC
7 or a new liquor warehouse, we have to have smart growth and we have to have a
8 higher percentage of affordable and workforce housing so, in effect, is the deal." And
9 the comparable, even beyond the Grammax Building is what the County Executive has
10 proposed in connection with Lot 31 in Bethesda. That RFP went out, here is what you
11 have to do, and by the way we want more than the statutory minimum. In fact it went out
12 saying we want workforce housing even without a workforce housing program. And the
13 answer that they got back was 14 people bidding on it and the winning bidder agreed to
14 abide by this higher number of MPDUs and workforce housing, even though the master
15 plan doesn't say anything about it and the law doesn't say anything about it. So the
16 question is would we in effect tie our own hands and potentially create uncertainty about
17 whether people are going to respond and what they're going to respond to through the
18 RFP based on a master plan which is, at least in my experience, virtually impossible to
19 change as opposed to doing it at the time that we actually get a proposal in front of us. It
20 seems like that provides the most flexibility for us. And at least as far as I'm concerned
21 the more affordable and workforce housing we can get in Shady Grove or anywhere
22 else in this County that we have publicly owned land the better but once we put it in a
23 master plan it's really, really difficult for us to say, "Well, we don't want to do exactly
24 what that says even though we're the County government." And that's why I would, in
25 affect arguing against trying to boost these numbers without actually having a proposal
26 in front of us. That would be the time to do it I would think.

27
28 Councilmember Leventhal,

29 That's all right, I understand -- I understand what you're saying. Getting back to the
30 Service Park then, I would like some way to make it clear in this vote that we are -- that
31 we are not limiting ourselves to the respondents, that if the Executive Branch, on its
32 own, you know, initiative issues an RFP that the Council reserves the right to consider
33 multiple options for the location of these services. I'm not -- I don't have an amendment
34 written here but I think we've got to -- I would like to see in writing something that sends
35 a signal that we are not -- much as we all know and the memo makes clear that there's
36 been one landowner who's indicated a strong interest in this -- that we are not restricting
37 ourselves only to the responses from the RFP, that we have unlimited options, and we
38 continue to look at what-- what we might do with some or all of these facilities. I guess
39 I'm presiding, too. Ms. Praisner, followed by Mr. Knapp.

40
41 Councilmember Praisner,



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1 Well, on that issue, I think the question, though, is where are the Council's role is on the
2 disposition of public land or on a negotiated contract or flip? The Council's to my
3 knowledge at this point is limited to the Capital Budget, and that's pretty late in the
4 process. I am already looking at the Executive Reg associated and the administrative
5 procedures, et cetera, associated with the disposition of public land because I think
6 there needs to be some fine-tuning to that. But short of introducing legislation to do it,
7 there really isn't a role for local -- for the Council in that process is my understanding. It
8 is an Executive function to dispose of County-owned land with the exception of school
9 sites, where the Council has a role. So, I understand and appreciate very much what
10 George is saying, and it's very obvious from the conversations within the PHED
11 committee, et cetera, that we don't want to wait for a mandatory referral to Park and
12 Planning and a CIP item to jump in when everybody [INAUDIBLE] the train has really
13 left the track on that one and, I mean, run over left the track, not left the station, it's more
14 than leaving the station. It could be derailed by our weighing in at that point, so I would
15 like to suggest that at some point we have some conversation on the issue of the
16 procedures given this extraordinary situation. The reason why we dealt with Bowie Mill
17 was because we were doing the Olney master plan which does have a Council role. I'm
18 not sure there's a Council role as we've defined it at this point on this process beyond
19 that CIP. I put my light on on another issue, if I may?

20
21 Councilmember Leventhal,
22 Go ahead.

23
24 Councilmember Silverman,
25 If I may, I wanted to actually respond to you, Mr. Leventhal, on this point.

26
27 Councilmember Praisner,
28 Go ahead, and then I'll put my light on.

29
30 Councilmember Leventhal,
31 Well, Mr. Knapp's been waiting, I think Mr. Knapp wants to speak to the -- yeah, just
32 hang on, Mr. Silverman. Yeah, I just -- I wasn't trying to
33 Councilmember Praisner,
34 Okay, I'll wait.

35
36 Councilmember Leventhal,
37 Let's stick on the Service Park issue and then Mr. Knapp wanted to speak to that as
38 well.

39
40 Councilmember Knapp,
41 No, I appreciate Mr. Leventhal's and Ms. Praisner's remarks. My concern if the schedule
42 is that we're going to take straw votes today and then come back -- what, next week?



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1
2 Multiple Speakers
3 January.

4
5 Councilmember Knapp,
6 January, okay. Okay, my concern is, and I've stated this a number of times, is I
7 personally am not ready to make a decision on the Shady Grove master plan until I can
8 present to the community the list of options. Not that we have to have all the response
9 to the RFP, although when we had this discussion in September, we're expected -- but
10 we expected in September that the RFP was going to go out at the end of that month
11 and we'd have feedback. It's now November and we still don't have any more
12 information than we had two months ago.

13
14 Councilmember Silverman,
15 I'm not trying to interrupt, but I believe what we've been painfully aware of by the
16 Executive Branch is that they are not issuing a RFP until they know what we're doing.
17 Which is a little bit of a chicken and egg. Is that correct, Mr. Reilly?

18
19 Scott Reilly,
20 No, sir, we're prepared to issue the RFP by the end of this calendar year just to elicit
21 interest from...

22
23 Councilmember Silverman,
24 No, that's not what I said, Scott. What I'm saying is, is it the position of the Executive
25 Branch that you're waiting until we've taken at least straw votes...

26
27 Scott Reilly,
28 No, sir. No, sir. That was not the holdup on our issuing the RFP.

29
30 Councilmember Silverman,
31 All right. Fine.

32
33 Councilmember Knapp,
34 All right, then. And in fairness, I wasn't necessarily expecting to see the responses to
35 the RFP, but what Karen has presented us today that there are alternatives that can
36 require further exploration in addition to the parcels that we've seen. But the other piece
37 I think is critical and I think Scott -- or Lisa was going to be able to provide this and she
38 just can't be with us, is what are the requirements for the departments and agencies
39 where they need to go in the first place, So we can at least present to the community
40 legitimately that there are an variety of alternatives. I think lots of us have said that the
41 only thing that appears to the community to keep coming back is the one alternative that
42 everyone talks about, which is the land swap deal. And that may be a good thing, that



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1 may not be a good thing, but I think to have a discussion with the community you need
2 to be able to legitimately say, "Here are all the pieces, and we're going to consider all
3 these pieces," and I'm not saying that we will or won't do anything differently, but to at
4 least present that to people so that when we say, "I feel comfortable approving the
5 changes in this master plan because I know these are the alternatives we're going to
6 weigh when we get to you issuing the RFP." And so I still think we need to have those
7 pieces and I hope in the coming couple weeks we'll be able to get some of those, so we
8 can be in a better position to have that discussion or take that vote in January.

9
10 Marlene Michaelson,

11 Yeah, I do think, based on the information Executive has provided before that they will,
12 before we act on the resolution, be able to have a clear definition of the needs of the
13 existing facilities in terms of options for where it could relocate. I'm not sure they're
14 prepared to go beyond what was in this memo that fleshed things out, except for the
15 questions Council specifically asked, for example about the Gude Landfill. So we can
16 certainly pull all of that together for you before there's a vote on the resolution.

17
18 Councilmember Leventhal,

19 Okay, but realistically, I mean, Steve, did you want to speak to the land swap? You've
20 been waiting your turn.

21
22 Councilmember Silverman,

23 Yeah, just a real quick point here, actually to go back to your point, Mr. Leventhal, which
24 is I don't see any reason why we can't have any language in the resolution that
25 addresses the concern that Mr. Leventhal has raised, to make it crystal clear, I mean,
26 we said in the beginning of this whole process that we weren't voting one way or the
27 other on where the County Service Park would go, that that's not appropriate for the
28 master plan. It is, however, I think completely appropriate for us to provide assurances,
29 maybe it will be taken as either assurances or threats, depending on if your community
30 happens to be on a potential target list for where the County Service Park might go. But
31 there's no reason why we can't have a paragraph in the resolution that makes it very
32 clear that nothing in this master plan precludes us from relocation of any or all of the
33 County Service Park, you know, in effect -- well, you have to come up with language -- I
34 wanted to say anywhere in the County, but then I looked at the Ag Reserve back here.
35 But the point is some language that is clear that it can go in other industrial zones, or
36 other language, but the point is that we are providing that flexibility with the
37 understanding that the Council will come back and has to vote on this, because no
38 matter what it is, these are facilities and we know about the disposition of land. The
39 County Executive does not have unilateral authority to both dispose of the County
40 Service Park lands and say, "Oh, by the way, it's going here." Because even if it was a
41 financial swap with no money involved, we would still have to approve that in the capital
42 budget through our, you know, CIP process. So it seems we could come up with some



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1 language to give folks, particularly those that are adjacent to the Webb Tract some
2 comfort level that, in fact, we're at the beginning of a wide open process. Yes, there is
3 somebody who is very anxious to respond to the RFP, but the reality is that we heard
4 this morning that there may be chunks of it going in different places, and there are
5 different potential places within the, you know, the general service area. And I would
6 support putting some of that language in the January resolution.

7
8 Scott Reilly,
9 Okay.

10
11 Council President Perez,
12 Mr. Leventhal, this was responding to this.

13
14 Councilmember Leventhal,
15 It is responding to what Mr. Silverman said. I guess my point is this. My concern is that
16 those who will offer land to the County may not end up being the best outcome for the
17 County. That the County may need to take a more active role in determining whether or
18 where or if these services are relocated but what we seem to be doing is setting
19 ourselves up for a process that says we're putting the request out there, whoever
20 responds, those are the options we'll consider. So I would like language that makes it
21 clear that that is not the case. These are our services, that we will take an active role in
22 figuring out where they will go. That we're not saying "Who wants them? Oh, if you say
23 you want them, then we'll give them to you," and we don't have another menu of options
24 other than. I also understand that -- what is going to occur. I'm still concerned here
25 because what is going to occur is that that one entity will come up and say "Not only do
26 we want them, but we're putting a lot of money at the table, that we're going to make
27 this cost free for the County." And again, I'd like some language that acknowledges that
28 there are many ways of defining costs, that there are social, environmental,
29 neighborhood costs above just dollar costs and the fact that the cost of -- the MPDUs
30 may be offset, the TDRs may be offset, that some of the benefits which -- Marlene has
31 given me this chart which I've looked at as one dollar cost are offset. There are also
32 these are benefits, you didn't have costs and that's all right. I mean, you did what you
33 could do in an hour. I appreciate that. I appreciate what you did but we have he got to
34 look at a wide range of costs, not just -- which I'm still looking forward to seeing -- the
35 liquor warehouse costs "X", the EMOC costs "Y." That there are other issues having to
36 do with transportation efficiency, neighborhood costs, air pollution, the things that we've
37 talked about. So I'm not -- so I think I'm going to abstain on the plan in the straw vote
38 today until I see this, until I see a draft of this language and work with staff on that
39 language. And that will determine how I vote on the final plan.

40
41 Council President Perez,
42 Okay. Ms. -- Ms. -- well, let me go to Ms. Praisner.



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1
2 Councilmember Praisner,
3 I, in the interest of motions which I thought is what we were asking for...

4
5 Council President Perez,
6 That's what we were doing, I was wondering...

7
8 Councilmember Praisner,
9 I have a motion for the resolution, it would not be part of the plan, but a motion for the
10 resolution. Prior to rezoning, the Planning Board and Executive staff shall identify
11 procedures and personnel, if necessary, to ensure the complex land use changes
12 included within the master plan can be implemented, Including systems for tracking
13 staging and site plans and identify how the community will access that information.

14
15 Councilmember Silverman,
16 Second.

17
18 Council President Perez,
19 Without objection.

20
21 Councilmember Praisner,
22 If I can speak to it just very briefly.

23
24 Councilmember Silverman,
25 Take yes for an answer, Marilyn.

26
27 Councilmember Praisner,
28 Yeah, I want to make a comment because somebody's going to ask me why I did that.
29 And I think this is consistent with the complex zone discussions that we've had in
30 Woodmont and elsewhere.

31
32 Council President Perez,
33 Okay, thank you, without objection that'll be added as part of the resolution.

34
35 Councilmember Leventhal,
36 I'm going to make what I've suggested in the form of a motion so we're on the record, so
37 that -- help me out, Marlene, I'm just thinking out loud here. Prior to...

38
39 Multiple Speakers
40 [INAUDIBLE]

41
42 Councilmember Leventhal,



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1 It is dangerous, no I realize it's dangerous.

2
3 Unidentified,

4 Fasten your seatbelts, it's going to be a bumpy ride!

5
6 Councilmember Leventhal,

7 But I wanted to have a conversation as I sort of crystallize what I was talking about.

8 Before any land swap may proceed the Council will have the opportunity to review a full
9 accounting of benefits and costs, costs will not be limited to dollar costs. Costs should
10 include effects upon neighborhoods, both the neighborhoods in both sides of the swap.

11 In addition, the County will not be limited only to considering responses to a RFP. But
12 the County may take an active role itself in determining the placement of County
13 services, some or all County services.

14
15 Unidentified,

16 Second.

17
18 Council President Perez,

19 Any objection?

20
21 Councilmember Floreen,

22 [INAUDIBLE]

23
24 Council President Perez,

25 Yes.

26
27 Councilmember Floreen,

28 I think that's saying we're going to revisit the whole underpinnings of the plan.

29
30 Unidentified,

31 [sighing]

32
33 Councilmember Floreen,

34 I mean it would be good to be clear about that. If Mr. Leventhal is saying we want to
35 take a look at that, that's one thing. But I'm hearing something more. Maybe we could
36 be clear about that.

37
38 Councilmember Leventhal,

39 May I respond?

40
41 Multiple Speakers,

42 Yes.



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1
2 Councilmember Leventhal,
3 As I read the plan in every step, it says "X is the target if the CSP locates, Y is the target
4 it the CSP doesn't relocate." So the plan anticipates that some or all of the CSP may or
5 may not relocate. Nothing in the plan -- I keep being told -- I don't really believe it -- but I
6 keep being told that nothing in the plan mandates the relocation of the County Service
7 Park. So all I'm saying these are the conditions on which we will evaluate the relocation
8 of the Service Park.

9
10 Karen Kumm Morris,
11 And if I may say, in Lisa Rother's process chart, embedded in that is quarterly reports to
12 the County Council. Starting off with the response back from the RFP so that you can
13 hear who has responded and what is the nature of the proposals and in these quarterly
14 reports -- I know she's not here to explain this to you -- but she's explained it to me it's
15 intended to keep the Council informed as to what is being proposed and considered.

16
17 Councilmember Floreen,
18 Well, that's keeping us informed is one thing. I think, Mr. Leventhal, correct me if I'm
19 wrong, I'm trying to understand...

20
21 Unidentified,
22 Sure!

23
24 Councilmember Floreen,
25 I think you anticipate a more active role.

26
27 Councilmember Leventhal,
28 I do. And if someone took notes maybe they could...

29
30 Councilmember Floreen,
31 And I didn't write down what you said.

32
33 Councilmember Leventhal,
34 I didn't either, I mean, I was really...

35
36 Councilmember Floreen,
37 I was just...

38
39 Karen Kumm Morris,
40 I did.

41
42 Councilmember Leventhal,



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1 Let's go to the video tape.

2

3 Councilmember Floreen,

4 But I think we need to be clear about what actually is intended.

5

6 Councilmember Leventhal,

7 No, I envision a lot more than just keeping us informed. I envision an active step where
8 we have a full accounting of costs and benefits and that the Council is required to
9 consider the costs and benefits, not just the dollar costs before we proceed.

10

11 Karen Kumm Morris,

12 Formally...

13

14 Councilmember Floreen,

15 Excuse me, but "before we proceed" part is perhaps -- I'm just trying to understand.

16

17 Councilmember Leventhal,

18 Well, just to clarify, I think we'd have to take an affirmative vote. I mean, I don't think it's
19 something -- we not be passive.

20

21 Councilmember Floreen,

22 We would approve then the elements of relocation? Is that your intent?

23

24 Councilmember Leventhal,

25 I would accept that language, yeah, we would have to...

26

27 Councilmember Floreen,

28 I'm not sure.

29

30 Councilmember Leventhal,

31 Council would have to approve the relocation,

32 Unidentified,

33 Which language?

34

35 Councilmember Floreen,

36 That the Council will approve...

37

38 Councilmember Leventhal,

39 I'm sorry I didn't bring language before my colleagues. I know it would be more
40 courteous to do that. I've just been wrestling with what's the right approach.

41

42 Marlene Michaelson,



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1 If I can see if I can help with this, ultimately we know the Council needs to approve the
2 CIP project.

3
4 Councilmember Leventhal,
5 No, this would be before that.

6
7 Marlene Michaelson,
8 Right, exactly, so it seems to me that what we're saying is that the Council's ultimate
9 approval of the CIP project is going to be dependent on receiving and your approval sort
10 of interim information that what you wanted to see was the costs and benefits of all of
11 the alternatives that are presented, that the alternatives will not be limited to responses
12 to the RFP that may come from private property owners, but could include public land or
13 other alternatives, a full accounting of all costs and benefits...

14
15 Councilmember Leventhal,
16 Not limited to dollar costs.

17
18 Marlene Michaelson,
19 Not included to dollar costs...

20
21 Councilmember Leventhal,
22 Costs to include impact.

23
24 Marlene Michaelson,
25 ...Exactly, and social and environmental costs including, I'm assuming, compatibility
26 need to be considered as the Executive explores options and need to be reviewed by
27 the Council.

28
29 Councilmember Floreen,
30 And approved? I mean, again, I'm just trying to understand what's being -- what we're
31 voting on.

32
33 Councilmember Leventhal,
34 Right, Nancy, I appreciate your question, and I'm seeking an affirmative vote by the
35 County Council, not just simply "Okay, you've let us know."

36
37 Councilmember Floreen,
38 And then, if that's case, I just wonder how does that fit into the point Ms. Praisner was
39 raising earlier about the disposition of rules currently? How would this all work? Ms.
40 Praisner knows far more about than I do.

41
42 Marlene Michaelson,



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1 In a typical disposition we may not have a CIP project. Here we would have disposition,
2 but we would also have a CIP project and that's where the Council has a clear role in
3 that decision and that in my mind gives you leverage to require interim steps that will
4 have a Council role.

5
6 Councilmember Floreen,
7 So, basically, it would require a CIP project.

8
9 Marlene Michaelson,
10 Ultimately,
11 Councilmember Floreen,
12 And that would be the point of our involvement.

13
14 Marlene Michaelson,
15 Well, I think the point is that rather than waiting until there's a CIP project is to say that
16 the Council will have decision points early on that will in effect determine whether the
17 Council would be willing to support the CIP project that may come at a later date. If you
18 are not willing to accept the range of options or the analysis of costs and benefits, then
19 you would be signaling that if a CIP project comes forward, you would not be approving
20 that CIP project. If on the other hand you're comfortable with the alternatives and
21 analysis you'd be signaling that you'd be more inclined to accept that CIP project, but
22 you would still have that ultimate authority to make that decision.

23
24 Councilmember Floreen,
25 But that would be the final process where our engagement would be clear and include
26 attention to all these elements?

27
28 Marlene Michaelson,
29 Right.

30
31 Councilmember Floreen,
32 So that's -- okay, I just wanted to understand. I do have -- is this penultimate issue now
33 on the Shady Grove, 'cause I did have a question about something that has nothing to
34 do with this conversation.

35
36 Council President Perez,
37 Well, I would suggest let's just tie this up, and then we'll turn it back to you. So without
38 objection...

39
40 Councilmember Leventhal,
41 Okay, so these are straw votes anyway. The fact that we don't have the amendments
42 before us we -- in the past, yeah in the past -- well, we've had this before where we



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1 gave direction to staff and we voted for that direction and staff came back with actual
2 language which you'll do in the course of the resolution.

3
4 Marlene Michaelson,
5 And with sector plan master plan resolutions, I will always circulate a draft well in
6 advance of the date scheduled for Council action. So if you feel that I haven't captured
7 your intent we can try it again before we get back to the...

8
9 Council President Perez,
10 Let me turn it back, to you, Ms. Floreen.

11
12 Councilmember Floreen,
13 If we're at the end...

14
15 Councilmember Leventhal,
16 We have to vote on this motion.

17
18 Council President Perez,
19 No, without objection...

20
21 Councilmember Leventhal,
22 Oh, without objection, we said.

23
24 Councilmember Floreen,
25 It's fine with me. I wanted to make sure that...

26
27 Council President Perez,
28 Put the Growth Policy into there...

29
30 Councilmember Floreen,
31 ...we could take a minute, it is related, Circle 65 I asked this question earlier of Karen,
32 about her language for implementation. And she proposed some language in the plan.

33
34 Council President Perez,
35 Where are you?

36
37 Councilmember Floreen,
38 Circle 65, and I'm not sure if it's encompassed by what Ms. Praisner raised earlier. It's a
39 question...

40
41 Councilmember Silverman,
42 Is that Mr. Knapp's letter to the editor.



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1
2 Councilmember Floreen,
3 Oh, no, that's...

4
5 Council President Perez,
6 He'd like that to be part of the resolution -- where is he?

7
8 Councilmember Floreen,
9 No, 65 has to do with the issue of an implementation plan. Ms. Praisner added
10 some additional language. I'm not sure if that captured all of these elements. If it
11 did, fine, but I do think it's important that there be an implementation plan, and I
12 guess I raised the point -- question earlier. I'm not sure who's the best person to
13 produce it. Maybe it's Park and Planning. Maybe it is somebody else as we sort
14 out our relationships between implementation agencies. But I think we need to
15 include these language in the plan and I would suggest that we just amend
16 perhaps the last sentence which says this plan should be prepared by the
17 MNCPPC]. This plan should be prepared with the involvement of the MNCPPC
18 and all other involved agencies and then we can work out who's the lead agency
19 on that, if that would be acceptable. Okay?

20
21 Council President Perez,
22 No objection.

23
24 Councilmember Floreen,
25 And my other question, it does relate not to Mr. Knapp's letter to the editor but his point
26 about private institutional facilities that's somewhere in here on page 8, apparently Park
27 and Planning is including an amendment on the zone to include that private institutional
28 facilities would not count against total FAR limits, and I think that's fine. I would just say
29 that I think we should include language in the plan that encourages the location of
30 private institutional facilities under the terms of the new zone. So that we at least say
31 something that recognizes that there is a need and one to be encouraged by the
32 Planning Board. So that would be my...

33
34 Derick Berlage,
35 I just want to be clear that the Planning Board does not review that proposal. It's a staff
36 proposal so I'll let them speak to it.

37
38 Councilmember Floreen,
39 That the staff, well whoever down there.

40
41 Councilmember Silverman,
42 Page 8, bottom of page 8.



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1
2 Karen Kumm Morris,
3 I think Russ is going to respond to this.

4
5 Marlene Michaelson,
6 And I don't know if the Council is done with the sector plan issues...

7
8 Council President Perez,
9 We're on Page 8.

10
11 Marlene Michaelson,
12 ...because the question Ms. Floreen is getting into deals with the Zoning Text
13 Amendment...

14
15 Councilmember Floreen,
16 No, I was going to say that the Sector Plan itself should include some language that
17 encourages the location of these facilities within the Sector Plan area, which I don't think
18 it's -- I believe it's silent on this subject. We can discuss the details and the context of
19 the zone, but I think the master plan should say something. That's all.

20
21 Council President Perez,
22 Mr. Silverman.

23
24 Councilmember Silverman,
25 Before we amend -- before we take up a motion to amend the master plan to include
26 this language, I want to at least understand something because when I read this, if this
27 is in the master plan, it says it would not count against total FAR limits which means that
28 despite the fact that we have been very clear that we did not want to increase the
29 density in Shady Grove, if you had a private institutional facility, a church or a school
30 under this proposed language, it would not count against the total FAR which means
31 you could have a school in Shady Grove with all of the attendant traffic and employees
32 and it would have -- it would add to what the Planning Board has already put in front of
33 us. Is that what I'm reading? Is that the way this should be read?

34
35 Karen Kumm Morris,
36 Yes, we were trying to respond to the need that Councilmember Leventhal said we
37 should try to be supportive of religious institutions, and we certainly could say that the in
38 the plan that institutions should be encouraged and provided in the plan. In the zone we
39 started to write ways that we knew [INAUDIBLE] allow and encouraged and we
40 opened the door far too wide here. First it was written for religious institutions only, and
41 then at the 11th hour it got turned into PIFs, private institution facilities, which is way
42 more than we intended and if we do go down that path we'll have to put a cap of some



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1 kind in the zone capping the available FAR, if you will, to something more limited than
2 open-ended FAR.

3
4 Councilmember Silverman,

5 I guess what I'm asking for clarification is that this proposal would, you know, would
6 basically -- if it doesn't count against the FAR in there, then basically you're in effect
7 adding jobs and you're adding trips for a private institutional facility in the Shady Grove
8 plan. That's what this language means.

9
10 John Carter,

11 As a suggestion, why don't we leave the mechanism of how we would encourage them.
12 Maybe you can put "such as." Leave the mechanism out of the plan. Leave for the
13 Zoning Text Amendment whether we're going to exclude FAR and the density. Leave
14 the actual mechanism out.

15
16 Councilmember Floreen,

17 Well, the question is -- are we going to discuss the Zoning Text Amendment next?

18
19 Councilmember Silverman,

20 Yes.

21
22 Councilmember Floreen,

23 Okay, Well, I think whatever we do there should be acknowledged in the plan. And I'm
24 not sure you can isolate out religious institutions from the private institutional facilities.
25 That's the whole issue.

26
27 Multiple Speakers,

28 [INAUDIBLE]

29
30 Councilmember Floreen,

31 Right, so we're saying things in other context. I think we need to think about what it
32 means here. Okay, so we'll just -- if we can coordinate then whatever we do with the
33 Zoning Text Amendment.

34
35 Councilmember Silverman,

36 Again, point of...

37
38 Councilmember Leventhal,

39 I'm sorry, I got to get some water.

40
41 Councilmember Silverman,

42 You have to leave the room for that, George. I don't think there is any water.



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1
2 Councilmember Floreen,
3 Yes, you have to leave.

4
5 Councilmember Silverman,
6 No, there isn't. I guess if we're finishing up the master plan, the question I'm trying to
7 ask is is somebody making a motion to include language in the master plan relating to
8 private institutional facilities? If they are and it's this language, then the question is are
9 we -- is somebody suggesting that we go above the density levels for private
10 institutional facilities in the master plan? Because that's what this language talks about.
11 So that's my question, Mr. President, is somebody actually making that motion?

12
13 Council President Perez,
14 I guess the related question I would have is does the absence of discussion in other
15 master plans imply by implication that we support it here and not in other places?

16
17 Councilmember Floreen,
18 In different zones.

19
20 Marlene Michaelson,
21 Right, I do want to mention, Councilmember Knapp, who perhaps is going to discuss
22 this is suggesting that we look at range of initiatives across all zones. So it could be that
23 it's premature at this time to say we've found one mechanism that can be worked into
24 the TOMX zone without having thought through some of these consequences. And that
25 perhaps this is an issue we look at and vet all of the range of options, determine which
26 is the best way to get PIFs where we'd like to see them, and then revisit that. I think
27 what's happened here is that Planning staff reacted very quickly to try to get them just in
28 Shady Grove and as is apparent from the Council's comments there are consequences
29 here that we haven't really thought through and dealt with yet.

30
31 Council President Perez,
32 Mr. Leventhal.

33
34 Councilmember Leventhal,
35 Well, first of all I want to thank Ms. Floreen for raising this point because I also had it on
36 my mind to raise and I got so focused on the County Service Park, I think this is a very,
37 very important point. Has the Planning Board been in contact with the religious
38 community, did it get any feedback from the religious community, the staff on this FAR
39 proposal?

40
41 Karen Kumm Morris,



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1 Not on this particular one but in the past years we've been working closely the whole
2 issue of providing for religious institutions in the issue of the zoning ordinance and
3 parking requirements and all kinds of things.

4
5 Councilmember Leventhal,

6 Okay, I guess it may fall to the next Council President, whoever that is, to schedule this.
7 But I do think that what Marlene is saying makes sense that if we were to develop some
8 sort of incentive to make land feasible for purchase by PIFs that it could be countywide
9 and we could adopt a countywide ZTA if the ZTA were necessary that would be
10 applicable in every zone, although other than probably the RDT zone. So I want to
11 thank Ms. Floreen for raising this point, I think it's a critically important point. And I
12 guess I'm willing to go along with figuring out how do we respond to the call that Mr.
13 Knapp is an issued and scheduling some very serious time. What we had -- and I
14 appreciate the work of the PIF working group -- but really we had a working group that
15 was figuring how to restrict PIFs and we need is a new working group that's trying to
16 figure out how to work with PIFs, very much including PIFs, Because one of the biggest
17 -- I don't want to stray too far off topic here -- but one of the biggest problems we've had
18 is that the religious community feels that it didn't have input into the work of the PIF
19 working group on the last round. So, I'm -- having raised this point earlier and thanking
20 Ms. Floreen for her comments on this point because it is a very important one, I guess
21 I'm willing to let the issue go for a broader countywide approach to include some of the
22 points that Mr. Knapp and his staff have developed.

23
24 Unidentified,
25 And then we'll get religion.

26
27 Council President Perez,

28 Okay. We got a couple other lights on first. If I could, Mr. Subin and then Mr. Knapp.

29
30 Councilmember Subin,

31 Thank you. So the way I'm understanding it the PIF discussion regarding how you deal
32 with the FAR is off the table right now...

33
34 Unidentified,
35 Yeah.

36
37 Councilmember Subin,
38 ...and will come back.

39
40 Unidentified,
41 Yeah.



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1 Councilmember Subin,
2 What about the issue of the schools?

3
4 Unidentified,
5 Private schools?

6
7 Councilmember Subin,
8 Any kind. The issue when it was first brought up was not including schools and PIFs if
9 the FAR, and Mr. Silverman said that that would in essence open up the cap.

10
11 Councilmember Floreen,
12 Public schools.

13
14 Karen Kumm Morris,
15 The way it's handled right now in the zone is they are -- is my mic on? The way it's
16 handled right now in the zone is that private schools are permitted uses, and they would
17 be -- since we put the issue of available FAR on the table, we would simply treat
18 schools like any other development proposal, and they would count against the FAR.
19 and counts against the traffic...

20
21 Councilmember Subin,
22 Okay. All right, fine. And I don't even want -- for me personally, I would vote against
23 even the mechanism to allow the FAR to be example be exempted. Once you do that,
24 there's an implication that you want to see something.

25
26 Council President Perez,
27 Mr. Knapp.

28
29 Councilmember Knapp,
30 I want to quickly say I appreciate the Planning Board's response in trying to get this in
31 because I think it's important. I think that as Mr. Leventhal has said and Marlene has
32 suggested that we're probably a little premature in discussing this issue although it's
33 certainly -- it is timely relative to a number of things we're talking about. So I just wanted
34 to thank Marlene for her efforts in helping put some of those ideas together. And I would
35 look forward with the incoming Council President and the rest of the Council to try and
36 figure out how we schedule these things and what the appropriate mechanism is to
37 have a broader discussion to address PIFs in the County more broadly, and it is
38 probably going to be the best way to do as opposed to doing something prematurely in
39 this plan.

40
41 Council President Perez,
42 Ms. Praisner.



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1 Councilmember Praisner,

2 I had a question on Circle 75 where the end of line "stationary of forecast growths." But
3 it's you know 6.4, not the 7. I wondered, and with the proposals for Shady Grove, and
4 anything else that may have happened elsewhere in other jurisdictions, what this looks
5 like with the 7.
6

7
8 Dan Hardy,
9 Actually the...

10
11 Councilmember Praisner,
12 And with the master plan if it were implemented.

13
14 Dan Hardy,
15 If you like, I do have a hand out that replaces -- it's basically a substitute for that Circle
16 75.

17
18 Councilmember Praisner,
19 Terrific, I would love it, thank you.

20
21 Dan Hardy,
22 I think to summarize the difference between the exhibit that's coming to you and the
23 circle 75 that's there now is that the Shady Grove area is not the only area with an in the
24 Red Line Metro Station where there is consideration of more housing in round 7 than
25 there was in round 6.4A, but frankly I think that the basing findings if you put the two
26 tables on a light table and look at them, you'll see a little bit of shifting from jobs to
27 housing in most cases, particularly at Fairfax/Vienna GMU and at I believe -- I've given
28 my copy away now -- one of the Prince George's County's stations, but generally the
29 findings are still the same. That all of these areas looking at substantial growth in
30 development from today into the year 2030. So this now round 7 does reflect essentially
31 the Planning Board's recommended draft plan for Shady Grove with about 6,000 more
32 dwelling units in the Shady Grove policy area and you'll also see again that other
33 locations like Fairfax/Vienna have a little bit more housing but still Shady Grove. We're
34 kind of leading where we're consistent with all the other areas in terms of saying this is
35 smart growth, this is where our development should occur, we're a little ahead of the
36 curve on the ratio of housing to jobs for these areas.

37
38 Councilmember Praisner,
39 I have another question that I'm not sure how to phrase it. When we talked about the
40 10% workforce housing assumptions, and you said they are within the numbers, not in
41 addition, and I've received a lot of mail as I'm sure my colleagues have about the
42 affordable housing -- from the affordable housing advocate perspective as well as from

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1 a workforce housing advocate perspective, that argues that this is the best place to put
2 that opportunity and best place to put that. But then they go on to argue that we need to
3 provide this housing for our teachers, our police, and our firefighters. Last time I looked,
4 most school teachers will not be able to use Metro to access their workstation, nor will a
5 police officer who has a PPV or his own vehicle and needs a route, be accessing public
6 transportation. So while the convenience of the ability to site units here is an attractive
7 one, the applicability of or the change or impact on traffic assumed by putting
8 development at Metro because Metro will encourage non-car single occupant or car
9 travel seems inconsistent to me with the issue of advocacy for police, fire, and school
10 teachers, most of whom given their job functions will have to be in a vehicle. They might
11 be encouraged to carpool, but they're not likely to be in a vehicle. Now firefighters, given
12 their work schedules, may not be traveling during a traffic time periods that conflict with
13 others because of their hours on, off, et cetera. And police officers with beats may or
14 may not. But school teachers, you can see the difference in the traffic on the road when
15 school's in session and when it's not and maybe folks go a little early or not, but they
16 don't ride Metro and there maybe some may be going to Richard Montgomery or
17 College Gardens who would like to take the Walk and Ride, but there are a lot of other
18 schools where that's not going to occur. I was wondering if you had it done any traffic
19 analysis associated with the use of Metro that was associated with the ceiling pre- or
20 post-workforce housing or the advocacy from that perspective, since people talk about it
21 as an ideal place and then we talk about transit serviceability yet the functions don't
22 really encourage transit serviceability.

23
24 Karen Kumm Morris,

25 If I could take the first crack at that, it's my understanding that workforce housing is for
26 an income range above the MPDUs and below the 120% of the median income.

27
28 Councilmember Praisner,
29 Right.

30
31 Karen Kumm Morris,

32 And that's not just public servants, school teachers, fire, police and protection, it's for
33 anyone in that income group so it's to that serve that group. And also by putting, of
34 course, workforce housing in this "mid" location of the County.

35
36 Councilmember Praisner,
37 It may shorten the trip.

38
39 Karen Kumm Morris,

40 It might even have some reverse commutes happening which might be beneficial.

41
42 Councilmember Praisner,



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1 That's very helpful, it's just that the letters seem to tie things together in a inconsistency
2 that you can talk about, "Well, we'll access from a central point, means the rides might
3 be easier, they're certainly are easier from coming outside of the County --- inside the
4 County, but they're certainly going to be car trips, not Metro trips. So -- and especially if
5 they're advocating for an exclusivity for the workforce housing program concentrated on
6 those three functions. Even the nurses would be traveling to Shady Grove, et cetera.
7 They're not likely to be able to use Metro as well. So from a standpoint of analysis I just
8 didn't know how refined you had gotten with assumptions for ridership on Metro. Thank
9 you.

10
11 Councilmember Knapp,
12 Just, quick, Dan. In the graph you've given us does the Vienna/Fairfax GMU number,
13 does that assume what they've approved for their new development?
14

15 Dan Hardy,
16 In rounds 6.3 that additional development that's called Fairly West was not included and
17 now in round 7 it's been included. So there's a difference -- that's one of the places, like
18 Shady Grove, where we see a difference between what was in the packet and the
19 handout that just came around.
20

21 Councilmember Knapp,
22 So what you just handed out reflects the higher numbers. Okay, thanks.
23

24 Council President Perez,
25 I think that concludes our discussion for now of the Shady Grove Sector Plan. And we
26 have the other Zoning Text Amendment but we need to take a straw vote on the Sector
27 Plan. Was your light on? Did you want to say something?
28

29 Unidentified,
30 No. No.
31

32 Council President Perez,
33 Okay. Great. Mr. Andrews.
34

35 Councilmember Andrews,
36 Thank you, Mr. President. Well, a lot of people have put a lot of time into this plan over
37 the last five years and I'm looking at a few of them at the table and some of them to my
38 left. I think people have worked extremely hard and there are many attractive features to
39 the plan. It's important that it preserves Blueberry Hill Park, that it preserves the legacy
40 open space property, it is important that there is a strong affordable housing component
41 and I fully support the workforce portion that brings the percentage up to 22.5% of the
42 total housing units that are envisioned. I think the viability of the relocation of the County



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1 Service Park remains to be seen, and we'll be getting more information back about that.
2 I am pleased that the Council supported my amendment to require that the 355/Gude
3 Drive intersection be unclogged before housing units, 2,541 and up can be approved. I
4 think that is important to link road capacity and development in that way. And I think
5 that's a big step forward, and I appreciate the Council's doing that. I've been involved in
6 this from the beginning. I proposed the funding for the charrette that took place in the
7 fall of 2000 and attended it with Karen Kumm and many others in the room and many
8 who are not here now. And I've been consistently supportive of what the original number
9 was that came out of that charrette for the amount of housing density that was
10 approximately 4,000. That is a number I felt was manageable, was reasonable, that
11 provided substantial housing at a Metro Station which is appropriate. And I was very
12 dismayed when that number was changed upward dramatically by the Planning Board. I
13 respect the Planning Board's view. They're very straightforward that they believe that
14 this is an area where as much housing as possible should be put, that is their position,
15 they've been consistent and they have said they support that position even if it results in
16 significantly worse traffic congestion. That is a consistent position. I understand it, and
17 they have not changed from that position. My position has been that the 4,000 was
18 about the maximum that the area could handle reasonably in terms of the impact. And
19 that was where I have been from the beginning. And that's where I still am. So I'm going
20 to cast a vote against the final plan since its density is much higher than that, it's about
21 50% higher at 6,340, but I do recognize the many good aspects of the plan. And I
22 appreciate all the hard work that went into it and respect the sincerity of people who
23 disagree with me on this.

24
25 Council President Perez,
26 Mr. Knapp.

27
28 Councilmember Knapp,
29 I just want to, given the conversation that we had earlier today, recognizing it is, in fact,
30 a straw vote I think we're going to get more information between now and time we take
31 final action in January and want to I reserve the right to review that information and
32 potentially make modifications to such straw vote at such time. Thank you.

33
34 Council President Perez,
35 Mr. Silverman.

36
37 Councilmember Silverman,
38 Thank you. Well, I'm not sure whether we're at the end of the beginning or the beginning
39 of the end of this, since, you know, we now have a new approach to straw votes. But in
40 any event, we have gotten an awful lot of mail, e-mails, interest on this issue. I don't
41 intend to read them all. I would just say that I think this is a real test of Montgomery
42 County's commitment to smart growth. We have taken a plan that the Planning Board



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1 sent over to us and I think made it better in terms of additional traffic mitigation
2 requirements, in terms of, even today, additional staging requirements and increasing
3 the amount of what we'll call middle class housing in the County through the inclusion of
4 a workforce housing requirement which increases by hundreds of units the amount of
5 housing in this plan that would be available to middle class Montgomery County
6 residents. But I would just highlight the fact that we've heard from our friends at Action
7 in Montgomery. We heard from a new group called "At One" which represents
8 congregations concerned about affordable housing. We heard support from the
9 Washington Regional Network, from the Sierra Club, and not the least of which, from
10 someone who has -- let's see, I'll steal your line about Marv Wyman, someone who
11 became the fourth Councilmember on the PHED committee which is Pam Lindstrom in
12 terms of support for this. We also had a tremendous amount of input from [Pat Labuda]
13 and members in the communities. I think it's a better plan than where it started out a
14 long time ago. But I think this is an example of the balancing act that we will continue to
15 have to make in this County as we continue to preserve the reserve and continue our
16 efforts to try to find places in the County which support our goal of smart growth and
17 transit-oriented development. And I think that this may become an approach that we will
18 continue to have in other areas in the County around transit areas where we are trying
19 to increase affordable and workforce housing, provide community services, and make
20 sure we do everything we can to mitigate traffic in the County. But I appreciate
21 everybody's hard work on this, particularly Marlene, and everybody on the Planning
22 staff, particularly Karen for what are countless hours and hours in this. Thank you.

23
24 Council President Perez,
25 Mr. Andrews.

26
27 Councilmember Andrews,
28 Thank you. I wanted to add one other thing and that is there have been a lot of people
29 that have weighed in over the last five years, and I have done my best to listen hard,
30 and I had a chance and did attend most of the PHED committee meetings on this and
31 the PHED Committee met for a long time and they worked very hard. I listened very
32 carefully at the public meeting that was a year ago, November 4th, 2004, and I looked
33 back over the testimony last night that was delivered at that public hearing and one
34 testimony -- one piece of testimony that I read again was that of the City of
35 Gaithersburg, the City of Rockville weighed in as well with similar testimony, but Sid
36 Katz, the Mayor of Gaithersburg delivered testimony that night. And he testified -- and
37 this is in exact words -- "The City Council and I are extremely supportive of the concept
38 to redeveloping the land in the vicinity of the Shady Grove Metro Station." He goes on to
39 say, "However, we believe that the proposed residential density of between 5,400 and
40 6,350 dwelling units is too high and urge the County Council carefully study the impact
41 of the density to surrounding communities." I've continued to listen to people as the
42 debate has gone forward. I've knocked on -- visited hundreds of people in my district



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1 over the next few months in the vicinity of the Shady Grove area and I consistently hear
2 the same themes. I've agreed with that position for a long time and I still think that that is
3 the more reasonable view. And so I want to say that the input that I've heard from
4 constituents and from other officials was very important to me in understanding what
5 was appropriate at this location and what it could reasonably handle and what it
6 couldn't.

7
8 Council President Perez,
9 Mr. Leventhal.

10
11 Councilmember Leventhal,
12 Well, I want to thank the Planning Board staff and Commissioners and the PHED
13 committee for all of their work on this. I'm going to be recorded as abstaining on this
14 straw vote and I'm looking to working with Marlene on the language that we discussed,
15 that again, I -- it would have been more courteous to my colleagues to have brought
16 finished language here. That a didn't happen and I appreciate Marlene working with me
17 and others who've expressed some interest in the issue of the relocation of the County
18 Service Park and my final vote in January will hinge on my satisfaction that that
19 language does not foreclose a range of options for the relocation of the County Service
20 Park. I also want to congratulate Phil Andrews. I think his amendment on Route 355 is a
21 very important one and I have some -- I'm very sympathetic to what he says about the
22 concern in the neighborhood about the number of units. We frequently find ourselves in
23 a situation, and it is a function of the jobs that we hold, of telling neighbors that we know
24 better, that they may not want something, but it's really good for them and "take your
25 medicine, you'll feel better when you're done," and it's a difficult position to be in, I'm in it
26 frequently. I'm willing to do it when I have confidence that the outcome is the right one.
27 I'm not certain in this case that the outcome is the right one. I would say to my colleague
28 Mr. Andrews that the effect of his amendment and the opportunity to continue to redraw
29 the possible relocation of some or all of all service facilities may end up with a final
30 housing number that is not 6,300, we don't know. And the fact that we don't know and
31 what actually happens on the ground we have ample opportunity to influence in the
32 future leads me to hold open the possibility that I'll vote for the plan in January after we
33 see this County Service Park Amendment.

34
35 Council President Perez,
36 Okay. Thank you. Oh, Ms. Praisner, I'm sorry.

37
38 Councilmember Praisner,
39 Having sat through the PHED Committee discussions, I think we did make
40 improvements on the master plan as it came forward. I think there are still significant
41 issues related to traffic. Mr. Andrews' amendment today puts a higher requirement from
42 a standpoint of moving from one stage to another of having some improvement



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1 associated with it. I agree with Mr. Leventhal that the reality of what actually occurs
2 versus what's in the master plan may not be -- there may be a difference in reality from
3 what is proposed. But there are also some significant issues associated with traffic and
4 traffic impacts. When you're at the end of a Metro Station area, and when you're also
5 physically located as Shady Grove is in the center part of the County, you are impacted
6 by significant traffic that is not exclusively from your area. So even the increase of
7 development within the area such that folks can use Metro and other means does not
8 suggest that there is relief associated with that from the congestion that the community
9 is experiencing and will continue to experience. That said, I think the master plan is as
10 we've worked on it, is a significant improvement from -- as far as the staging and
11 requirements, and it does set the stage for other master plans to have more staging
12 requirements associated with them. Maybe not as rigorous because they are not as
13 complicated as this master plan is, but still fairly rigorous. I am going to do exactly what
14 Mr. Leventhal did. In the light of the fact that straw votes don't seem to mean anything
15 any more, I'm going to abstain at this point so no one can accuse me of voting yes or
16 no, inconsistent from my direction to staff. I'm not going to send staff to go down do
17 work, based on what I say I'm going to do and then change my mind.

18
19 Council President Perez,

20 Okay. I do want to reiterate our thanks to members of the Planning Board and I hope
21 you will thank all the staff. I know that people in this room worked very hard and
22 Marlene and so many on our Council staff worked hard and at the time when people -- a
23 time when positive reinforcement is not all together present, I hope you will on behalf of
24 the entire Council reiterate our thanks, not only to Karen and everybody at the table
25 here, but everybody at the Planning Board, you and staff. You really did produce a
26 remarkably thorough document and I've spoken to people in the community and beyond
27 who have said -- they may not agree with everything you've said but they certainly
28 respected the manner in which you've handled yourself and I hope that you can thank
29 your staff because they are people that we obviously value immensely. I said day one
30 on this full Council debate that this would be the most transformational master plan that
31 we would consider at least in this brief tenure of mine and I think the product that we're
32 about to vote on bears that out. It really is a remarkable visioning document and I think
33 that our friends at the Planning Board do a very effective job of mapping out a vision for
34 this County. It's rather appropriate that tonight we'll take up the topic of sand mounds in
35 the Ag Reserve, because while it may appear not to be related, all of this -- all of these
36 decisions are interrelated and I've heard Chairman Berlage frequently talk about smart
37 growth meaning the courage to say yes and the courage to say no. And I'm going to
38 vote yes today, and I'm going to vote no probably after tonight on something different.
39 And that's the beauty of this County. I also want to reiterate thanks to my friend and
40 colleague Phil Andrews for his remarkable time and attention to this, and I was glad to
41 second your motion this afternoon. I thought the transportation issues continue to be the
42 issue that gives me the most heartburn. And I appreciate the concerns that you have



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1 brought to the table there. But on balance I thought your amendment certainly made this
2 a better master plan and I don't disagree with your analysis that there's going to be
3 more congestion, and we'll continue to wrestle with the challenges attendant with our
4 success as a County. And our success as a County means that more people want to
5 live there. And that is an enviable position to be in. We're confronting a number of very
6 serious but very enviable challenges attendant with successes on a number of levels
7 including the success of articulating and implementing a vision of how we are and what
8 we do as a County and Derick and others have been neck deep in the development and
9 implementation of that vision. So I'll be very pleased today to cast a vote in favor of this.
10 And I want to thank all the community members again, and everybody who's been
11 involved in this process. So recognizing as all the caveats that were thrown out that
12 people are obviously free to reconsider based on additional information, I guess we'll
13 have a obligatory disclaimer every time we do that now. All those in favor? Okay. Ms.
14 Floreen, Mr. Subin, Mr. Silverman, myself. Opposed? Mr. Andrews and Mr. Dennis. And
15 abstain? Mr. Knapp, Ms. Praisner, Mr. Leventhal. So I guess that's four to two to three.

16
17 Councilmember Silverman,
18 Which means what?

19
20 Council President Perez,
21 Which means we will come back when we have the resolution and it's clear as mud.
22 That's what that means, Mr. Silverman. That's about the best I can inform you. Okay.
23 We've got a number of Zoning Text Amendments to consider and...

24
25 Councilmember Silverman,
26 I would suggest since these are all I believe worksessions, these are all listed as
27 worksessions; is that correct, Marlene?

28
29 Marlene Michaelson,
30 Right, again, the Council's been through this as you have.

31
32 Councilmember Silverman,
33 Right, I would just suggest if Councilmembers have questions then on any of them, they
34 ought to raise them. Otherwise the Committee he is recommending all of them.

35
36 Marlene Michaelson,
37 Yeah, if I could just make a couple of opening comments on the TOMX zone I
38 mentioned that earlier that we had to revise the language about TDRs. There was one
39 omission in the latest draft from the Committee's recommendation. The Committee
40 specifically recommended that for a TOMX zone in the project plan, the height of
41 buildings be specified in feet and that was not placed in the latest draft so I want to
42 mention that. Also I had conversations with Mike Faden, the Council Attorney who's



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1 looking at legislative changes that may follow on the OLO report, and he believes some
2 minor modification in the clarifications in the language in the TOMX zone may be useful.
3 And so I'd like the opportunity for us to make all these final changes which I don't think
4 will significantly impact the substance of the zone but I wanted to let you know that we
5 would be doing that.

6
7 Council President Perez,
8 Okay. Let's -- Mr. Silverman, correctly, I think, Ms. Floreen.

9
10 Councilmember Floreen,
11 I based on previous discussion then we'd also amend the TOMX zone to take out the
12 reference to the Private Institutional Facilities at this point. I just wanted to get that
13 clarification.

14
15 Councilmember Silverman,
16 Anything else?

17
18 Council President Perez,
19 Ms. Praisner's light is on.

20
21 Councilmember Praisner,
22 I want to get back to the tracking issue. And the complexity of the zones and tracking.
23 And when we talked about -- and I'm not sure where there is or needs to be language.
24 But -- and I admit, I hadn't had time last night with the other things I was looking at to
25 look through it again, but when we talked about in -- these are complex zones
26 themselves, and they are -- provide significant requirements for percentages and
27 tracking and shifting, et cetera, optional and optional method and the standard methods,
28 et cetera, I don't have specific language, but I would like to ask Marlene and Ralph to
29 look at the extent to which there may be a need in the zone to require some tracking,
30 reporting, you know, the master plan has one kind of requirement. I think the zones
31 themselves require some kinds of tracking and reporting and I'm not sure where or how
32 you do that. But...

33
34 Marlene Michaelson,
35 The language I was just referring to that Mr. Faden is going to help me tighten up is to
36 make sure that we have a clear requirement for consistency between the project plan
37 and the master plan. And then the committee had already recommended to the Council
38 that there be separate text amendments to make sure that site plans and preliminary
39 plans are also consistent. So we do have those new requirements we're going to try and
40 work in.

41
42 Councilmember Praisner,



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1 Okay, that would be generic, not specific to this zone then? Or are you talking about for
2 this zone?

3
4 Marlene Michaelson,

5 The ones that deal with site plan and subdivision would be in other parts of the Zoning
6 Ordinance. The ones that deal with project plan would be in this part of zoning
7 ordinance and we linked that to the requirements that we've added to the
8 implementation plan which is how do you track the consistency between these different
9 elements. And I think together that I believe will address your concerns, but we'll have to
10 pull that whole package together.

11
12 Councilmember Praisner,

13 Well, with that understanding, I appreciate it, that's what I'm looking for is some
14 language within the zones as well as within the master plans because part of our
15 problems I think have been that you have to look so many different places between
16 what master plans say about heights and floors and other issues and also about
17 percentages and capacity to shift or go higher than or lower than, all of that flexibility
18 one might call it I think is inherently problematic at this point. And I would like to be able
19 to have tight -- not tighter language that limits the flexibility, but tighter language that
20 requires the tracking and the reporting or the requirements or some of those issues. I
21 don't want to limit the Planning Board's flexibility, but I want to tighten the kinds of
22 requirements from a standpoint of tracking. Thank you.

23
24 Council President Perez,

25 Let me do to this. Given that we're going to be coming back with votes, I'm wondering
26 about the utility of having straw votes on zoning text amendments. And I don't think
27 there is much...

28
29 Councilmember Praisner,

30 Not any more.

31
32 Council President Perez,

33 There isn't any. Let me ask the following question. Do people have any questions so
34 that when we come back and take up all these plans in finality we will have put
35 everything on the table? I don't want to put anything new on the table when we take up
36 these plans and these zoning text amendments, whenever that is. I assume it's going to
37 be probably after January sometime, right?

38
39 Councilmember Praisner,

40 The only comment I would have is as it relates to Zoning Text Amendment 05-05:
41 Streetscape requirements, because the Committee did not recommend implementation,
42 and in essence there would be no action on that Zoning Text Amendment...



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1
2 Dan Hardy,
3 That would just lapse if no other...

4
5 Councilmember Praisner,
6 ...and it would lapse. With that in mind I think if there are Councilmembers who are of
7 the other view that we should take action on that Zoning Text Amendment we need to
8 know now such that -- I think we stopped looking at it, in essence, and we may need,
9 the Committee may need to revisit that Zoning Text Amendment if there is any Council
10 action if there are Councilmembers who do not accept the Committee's position. I think
11 that's important for us to know.

12
13 Ralph Wilson,
14 You had requested some information from the Planning Board for future consideration
15 about broadening the street.

16
17 Councilmember Praisner,
18 We didn't want to adjust streetscape requirements in the I-1 zone in this master plan by
19 virtue of the -- we wanted to look at this in a broader sense. All I'm saying is if there's a
20 Councilmember who says "No, I want to vote and I want to support it and I want to put it
21 in place," then we need to fix perhaps, or review as a Committee where we are with
22 that. That's all. I'm trying to surface whether there's going to be any vote on that or the
23 PHED Committee's recommendation is going to stand.

24
25 Councilmember Silverman,
26 Well, I'll ask a more threshold question. Is it on an agenda?

27
28 Councilmember Praisner,
29 Yeah.

30
31 Councilmember Silverman,
32 Where is it listed?

33
34 Ralph Wilson,
35 It's been going along with these other three that we have today.

36
37 Councilmember Silverman,
38 Which one is it.

39
40 Multiple Speakers,
41 05-05.

